LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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WEST HENNEPIN PUBLIC SAFETY MISSION STATEMENT

Mission Statement

West Hennepin Public Safety's Mission is to protect and serve the citizens of Maple Plain and Independence in a professional and compassionate manner.

Vision Statement

These core values shall serve as a foundation and form the basis of all functions of West Hennepin Public Safety as we fulfill our Mission:

Honor: We will conduct ourselves in a manner that brings honor to ourselves, the department, and the community.

Courage: We will have the courage to do what is right and to stand against what is wrong.

Common Sense: We will apply common sense to the difficult decisions we must make.

Respect & Dignity: We will respect the individual rights, human dignity and the value of all members of the community and the department.

Loyalty: We will provide the highest quality of law enforcement service to the community with the goal of enhancing the quality of life.

Fairness: We will treat all individuals fairly, equally, and with compassion.

Trust: We will conduct ourselves professionally, serving as role models for the community.

Community Policing Focus

Our work with the communities we serve will be guided by the principles of Community Policing:

Problem solving: We recognize that the police cannot work alone in solving problems so we will work with our communities to proactively identify and solve problems affecting the quality of life. Active problem solving will be engrained in our daily operations.

Partnerships: Creating new, and strengthening existing, partnerships will help us achieve our mission. Partnerships come from all angles including citizens, the business sector, non-profit organizations, and criminal justice partners.

Community engagement: Engaging with our community will build trust and legitimacy, allowing our members to better know the community and for the community to better know our members.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the West Hennepin Public Safety to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

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

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE WEST HENNEPIN PUBLIC SAFETY

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

a. Made pursuant to a warrant.
b. The person is being arrested for a felony.
c. The person is being arrested for a non-felony crime that was attempted or committed in the officer's presence.
d. The person is being arrested for a non-felony crime that was not attempted or committed in the officer's presence but an arrest is permitted by statute (e.g., domestic abuse, restraining order, and no contact order violations).
e. The person is a juvenile committed to the custody of the commissioner of corrections and committed a felony after he/she escaped from custody (Minn. Stat. § 609.485).
f. There is reasonable cause to believe that the person to be arrested has committed or attempted to commit theft from a merchant (Minn. Stat. § 629.366).

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WEST HENNEPIN PUBLIC SAFETY

Full- and part-time, on-duty officers may make an arrest outside the jurisdiction of the West Hennepin Public Safety (Minn. Stat. § 629.40):

a. Anytime the officer may by law make an arrest for a criminal offense committed within the jurisdiction of the West Hennepin Public Safety, and the person to be arrested escapes from custody or flees out of the officer's jurisdiction.
b. Whenever the officer is authorized by a court order.
c. Under the same conditions as if the officer was in the jurisdiction of the department, whenever the officer is acting in the course and scope of employment.

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

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

100.2.3 GRANTING AUTHORITY TO OTHERS

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

100.3 POLICY

It is the policy of the West Hennepin Public Safety to limit its members to only exercise the authority granted to them by law.

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

100.4 CONSTITUTIONAL REQUIREMENTS

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

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 CHIEF LAW ENFORCEMENT OFFICER REQUIREMENTS

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

101.1.2 CHIEF EXECTIVE OFFICER MAJOR DUTIES AND RESPONSIBILITIES

This is a responsible administrative and technical position involving the supervision of all personnel, activities, and functions of the Department of Public Safety which includes police and may be expanded to include fire and civil defense activities.

The Public Safety Director directs the administration of the Public Safety functions of the cities of Independence and Maple Plain and serves as direct line administrator of the police department.

The Public Safety Director insures efficient operation of the Department through the development and execution of policies necessary for the prevention or detention of criminal activities and the protection of lives and property. He is responsible for the supervision, assignment, training and discipline of all Department personnel.

The Public Safety Director is responsible to the Joint Powers Commission with regard to the determination of basic plans and policies within the Department of Public Safety, but works independently in administering these plans and policies.

101.1.3 REQUIRMENTS

A combination of training and experience substantially equivalent to graduation from an accredited college, with specialization in police administration, public administration or a related field, and five years of increasingly responsible experience in Public Safety work, including responsible command experience. Must be currently licensed or eligible to be licensed by the Post.

101.1.4 MAJOR DUTIES AND RESPONSIBILITIES

Thorough knowledge or the principles and practices of modern police administration.

Thorough knowledge of scientific methods of crime detection and criminal identification.

Thorough knowledge of federal, state and local laws and ordinances pertaining to police work.

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Ability to plan, initiate and carry out long-range programs in Department administration, employee training and fire and crime prevention.

Ability to plan and evaluate and direct the work of a large number of subordinates performing varied operations connected with police and to coordinate with fire and civil defense activities.

Ability to establish and maintain effective relationships with others.

Ability to prepare and present effective oral and written reports.

MAJOR DUTIES AND RESPONSIBILITIES

1. Programs

a. Develops, administers and coordinates all programs to achieve the approved objectives of the Department of Public Safety.

b. Coordinates the use of all departmental materials, equipment and facilities. Conducts departmental manpower studies to insure that all personnel are being used effectively.

c. Analyzes all current departmental programs to determine their efficiency.

d. Designs and recommends new programs which will improve the operations and the services of the Department of Public Safety.

e. Develops a program of public relations through citizen outreach to include visits, public meetings, press releases, etc.

f. Assists in the development of applicable computer programs.

2. Programs

a. Responsible for the supervision, assignment and discipline of all departmental personnel.

b. Develops an effective and efficient work force and assists employees through evaluation programs to attain the skills needed to meet both the employee's and agency's goals.

c. Make recommendations to the Joint Powers Commission for selection of new police officers.

d. Encourages the development and improvement of departmental personnel instituting sound employees counseling and evaluation.

e. Projects future staffing needs in accordance with departmental goals and plans alternate ways of meeting those needs.

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f. Develops a program of accident prevention, the objective of which is the prevention of on-the-job and off-the-job injury to employees and the

prevention of damage to equipment and property.

3. Budget Process

a. Scrutinizes all aspects of the departmental budget and recommends modifications when necessary.

b. Prepares an annual budget and offers detailed justification for all

requests.

c. Administers an on-going budget review and control program.

4. Planning

a. Develops program objectives which will guide the future development of

the Department in terms of anticipated needs.

b. Prepares and recommends emergency plans which can be implemented

in the event of natural and man-made community disasters.

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Oath of Office

102.1 POLICY

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

102.2 PURPOSE AND SCOPE

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

102.3 OATH OF OFFICE

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

I, (employee name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will faithfully discharge the duties of (applicable position or office) within and for the (name of political entity) and State.

102.4 MAINTENANCE OF RECORDS

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

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the West Hennepin Public Safety is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR- Code of Federal Regulations.

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Child- Any person under the age of 18 years.

City - The City of West Hennepin Public Safety.

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

Department/WHPS - The West Hennepin Public Safety.

DPS- The Minnesota Department of Public Safety.

DVS- The Minnesota Department of Driver and Vehicle Services.

Employee/personnel - Any person employed by the Department.

Manual - The West Hennepin Public Safety Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the West Hennepin Public Safety including:

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

Officer - Those employees, regardless of rank, who are licensed peace officer employees of the West Hennepin Public Safety.

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC- United States Code.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Director of Public Safety will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

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

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

Director of Public Safety or Sergeant will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to the Sergeant, who will consider the recommendations and forward them to the Director of Public Safety as appropriate.

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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 Director of Public Safety is responsible for administering and managing the West Hennepin Public Safety. There are three divisions in the Police Department as follows:

- Administration Division
- Patrol Division
- Investigation Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by Director of Public Safety whose primary responsibility is to provide general management, direction and control for the Administration Division, including management of the Department budget. The Administration Division consists of Technical Services, Administrative, Human Resources and Financial Services.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Sergeant whose primary responsibility is to provide general management, direction, scheduling and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol, Reserve Unit, Training, and Special Operations.

200.2.3 INVESTIGATION DIVISION

The Investigation Division is commanded by the Director of Public Safety or designee whose primary responsibility is to provide general management, direction and control for the Investigation Division.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Director of Public Safety exercises command over all personnel in the Department. For circumstances in which the Director of Public Safety is absent, the Director of Public Safety will designate a Sergeant to serve as the acting commander of the Police Department.

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

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a. Patrol Sergeant

b. Senior Officer

200.3.2 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.

200.3.3 UNLAWFUL AND CONFLICTING ORDERS

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

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

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

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Departmental Directive and Special Orders

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

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

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

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

201.1.2 SPECIAL ORDERS PROTOCOL

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

201.2 RESPONSIBILITIES

201.2.1 STAFF

The Director of Public Safety and Sergeant shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by Departmental Directive. Final approval will be by the WHPS Police Commission.

201.2.2 DIRECTOR OF PUBLIC SAFETY

The Director of Public Safety or designee shall issue all Departmental Directives and Special Orders.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES AND SPECIAL ORDERS

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

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

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Emergency Operations Plan

202.1 PURPOSE AND SCOPE

WHPS has prepared for the cities of Maple Plain and Independence, in compliance with the Minnesota Emergency Management Act of 1996 (Minn. Stat. Ch. 12), an Emergency Operations PlanManual. This manual is for the guidance and use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF MANUALS

The manual for employees is available in Director's Officer and in EOC electronic file at West Hennepin PSD.

202.4 PLAN REVIEW

The Administration Sergeant 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 (Minn. Stat. § 299J.10).

202.5 PLAN TRAINING

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

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Training

203.1 PURPOSE AND SCOPE

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

203.2 OBJECTIVES

The objectives of the training program are to:

a. Enhance the level of law enforcement service to the public.
b. Increase the technical expertise and overall effectiveness of department members.
c. Provide for continued professional development of department members.
d. Ensure compliance with POST rules and regulations concerning law enforcement training.

203.3 TRAINING PLAN

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

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

The plan will address all required training.

203.3.1 GOVERNMENT-MANDATED TRAINING

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

a. Federally mandated training:
    1. National Incident Management System (NIMS) training
b. State-mandated training:
    1. State training requirements include but are not limited to 48 hours of POST-approved law enforcement related courses every three years.

203.3.2 TRAINING RESTRICTION

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

203.4 DAILY TRAINING BULLETINS

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The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the West Hennepin Public Safety 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.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should logoff 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.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift, or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

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

203.5 CLASSROOM DISCRIMINATION

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

203.6 POLICY

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

203.7 TRAINING SERGEANT

The Director of Public Safety shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Sergeant should review the training plan annually.

203.7.1 TRAINING SERGEANT RESPONSIBILITIES

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

203.8 TRAINING ATTENDANCE

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

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

b. Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
    1. Document the member's absence in a memorandum to the member's supervisor.
    2. Make arrangements through the member's supervisor or the Training Sergeant to attend the required training on an alternate date.

203.9 TRAINING RECORDS

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

203.10 REPORTING TRAINING TO POST

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

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Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.2 EMAIL RIGHT OF PRIVACY

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

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

204.3 PROHIBITED USE OF EMAIL

The Department email system used for personal purposes shall be kept to a minimum.

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

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

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

204.4 EMAIL RECORD MANAGEMENT

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

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Electronic Mail

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

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Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 MEMORANDUMS

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

205.3 CORRESPONDENCE

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

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

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Director of Public Safety, his/her designee or a Sergeant.

205.5 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Director of Public Safety, his/her designee or Sergeants.

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Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

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

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

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

207.2 POLICY

It is the policy of the West Hennepin Public Safety to provide identification cards to qualified former or retired officers as provided in this policy.

207.3 LEOSA

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

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

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

207.3.2 AUTHORIZATION

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

1. In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
    1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty

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standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

2. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
3. Not prohibited by federal law from receiving a firearm.
4. Not in a location prohibited by Minnesota law or by a private person or entity on his/her property if such prohibition is permitted by Minnesota law.

207.4 FORMER OFFICER RESPONSIBILITIES

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

207.4.1 RESPONSIBILITIES UNDER LEOSA

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

a. Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
b. Remain subject to all applicable department policies and federal, state and local laws.
c. Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
d. Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.5 DENIAL, SUSPENSION OR REVOCATION

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

207.6 FIREARM QUALIFICATIONS

The Fire Arms Instructor may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Fire Arms Instructor will maintain a record of the qualifications and weapons used.

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Handgun Purchase and Transfer Permit

208.1 PURPOSE AND SCOPE

The Director of Public Safety 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.

208.2 APPLICATION PROCESS

To apply for a permit to purchase or transfer a pistol, the applicant must complete and submit a signed and dated Minnesota Uniform Firearm Application/Receipt to the Department (Minn. Stat. § 624.7131, Subd. 1). These forms shall be freely available to members of the community at locations determined by the Director of Public Safety. Applications are also available on the internet (Minn. Stat. § 624.7131, Subd. 3).

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

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

208.3 INVESTIGATION

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

a. A check of criminal histories, records, and warrants regarding the applicant through Minnesota crime information systems, the national criminal record repository, and the National Instant Criminal Background Check System.
b. A reasonable effort to check other available state and local record-keeping systems.
c. A check for any commitment history through the Direct Care and Treatment Executive Board of the applicant.

208.4 GROUNDS FOR DISQUALIFICATION

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

208.5 GRANTING OR DENIAL OF PERMIT

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

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

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

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

A permit holder whose permit was denied may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.7131, Subd. 8).

208.6 VOIDING OR REVOKING PERMIT

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

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

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Permit to Carry a Pistol

209.1 PURPOSE AND SCOPE

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

209.2 QUALIFIED APPLICANTS

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

a. Be a citizen or a permanent resident of the United States.
b. Must be a Minnesota resident of the county in which the permit is requested. Non-Minnesota residents may apply to any Minnesota county sheriff.
c. Be at least 18 years of age.
d. Submit a fully completed permit application form.
e. Must not be prohibited from possessing a firearm under Minn. Stat. § 518B.01 Subd. 14, Minn. Stat. § 609.224 Subd. 3, Minn. Stat. § 609.2242 Subd. 3, Minn. Stat. § 609.749 Subd. 8, Minn. Stat. § 624.713, Minn. Stat. § 624.719 Minn. Stat. § 629.715, Subd. 2; or Minn. Stat. § 629.72 Subd. 2.
f. Present a photocopy of a driver's license, state identification card, or the photo page of a passport.
g. Provide a certificate of completed authorized firearms training, conducted by a certified instructor, within one year of the original or renewal application.
h. Be free from any federal law prohibiting the applicant from possessing or owning a firearm.
i. Not be listed in the criminal gang investigative data system.
j. Pay the required processing fee.

209.3 APPLICATION PROCESS

Hennepin County Sheriff's Office shall review the applicant and determine if he/she is eligible. The Sheriff shall notify the Chief of Police, if any, of the municipality where the applicant resides.

The applicant will be notified within 30 days of the application whether the permit is issued or denied (Minn. Stat. § 624.714 Subd. 6). Failure to notify the applicant of a denial within the 30 days shall constitute issuance of the permit to carry.

The permit shall be issuedby Hennepin County Sheriff's Office to the applicant unless a substantial likelihood exists that he/she is a danger to themselves or the public, he/she is not qualified to possess a handgun pursuant to state or

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federal law or is not otherwise qualified to obtain a permit. Upon issuing a permit the shall provide a laminated permit card to the applicant by first class mail or personal delivery and submit the information to the Commissioner of Public Safety within five business days.

If the application is denied, Hennepin County Sheriff's Officer shall send the applicant written notification justifying the denial, which includes the source of the justification. Hennepin County Sheriff's Office shall inform the applicant of his/her right to submit additional documentation in support of the application and the right to seek judicial review.

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

209.3.1 ADDITIONAL STATE REQUIREMENTS

An applicant should not be denied a permit based solely on the applicant's participation in the medical cannabis registry program or if the applicant is of legal age and uses adult-use cannabis or other legal cannabis-related products (Minn. Stat. § 624.7152).

209.4 EMERGENCY PERMIT

A Sheriff may issue an emergency permit valid for 30 days if a determination is made that the person is in an emergency situation that may constitute an immediate risk to the safety of the person or to someone residing in the person’s household (Minn. Stat. § 624.714 Subd. 11a).

209.5 SUSPENDING APPLICATION OR PERMIT

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

209.6 VOIDING OR REVOKING PERMIT

The permit to carry becomes void if the holder becomes prohibited by law from possessing a firearm. If the Sheriff has knowledge that a permit is void, the Sheriff must give notice to the permit holder in writing (Minn. Stat. § 624.714 Subd. 8). When a permit holder is convicted of an offense that prohibits the person from possession of a firearm, the court must take possession of the permit if it is available and deliver it to the Sheriff.

The Sheriff may file a petition with the district court for an order to revoke the permit on the grounds that there is a substantial likelihood that the person is a danger to him/herself or to the public if he/she is authorized to carry a pistol under permit. The court shall issue an order revoking the permit if the Sheriff proves such danger by clear and convincing evidence.

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

209.7 APPLICATION FOR RENEWAL

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

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

209.8 CARRYING FIREARMS IN RESTRICTED AREAS

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

a. Secure areas of a public airport.
b. School property except as authorized by Minn. Stat. § 609.66, Subd. 1d.
c. A child care center while children are present except as authorized by Minn. Stat. § 609.66, Subd. 1d.
d. In a public place while under the influence of alcohol, or a controlled substance, or an intoxicating substance that the person has reason to know could cause impairment (Minn. Stat. § 624.7142, Subd. 1).
e. Public colleges and universities following implementation of a policy restricting the carrying or possession of firearms on their premises by employees and students while on campus. However, under Minn. Stat. § 624.714, Subd. 18 such prohibitions apply only to faculty and students. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.
f. Private establishments that have posted a sign banning firearms on their premises, provided the posting meets the requirements of Minn. Stat. § 624.714, Subd. 17.
g. Private establishments whose personnel inform the permit holder that firearms are prohibited and demand compliance. This provision is violated only after the permit holder refuses to depart the premises.
h. Places of employment, public or private, if the employer restricts the carrying or possession of firearms by employees. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.
i. State correctional facilities or state hospitals and grounds (Minn. Stat. § 243.55).
j. Any jail, lockup, or correctional facility (Minn. Stat. § 641.165).
k. Offices and courtrooms of the Minnesota Supreme Court and Court of Appeals as established by order of the court. Violation of such a ban by a permit holder may be enforced as civil or criminal contempt of court but is not a violation of the carry permit law.
l. In a field while hunting big game by archery unless permitted by Department of Natural Resources regulations. (Minn. Stat. § 97B.211; Minn. Stat. § 97B.411).
m. In federal court facilities or other federal facilities (18 USC § 930).

Pistol permittees are required to comply with notices requiring presentation of the permit upon demand of a peace officer when carrying a firearm.

209.9 RECOGNITION OF PERMITS FROM OTHER STATES

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Permit to Carry a Pistol

A person who possesses a firearms permit from another state that is on the annual list of states with firearm regulations similar to Minnesota, published by the Commissioner of Public Safety, and that has reciprocity to carry a firearm in Minnesota has lawful authority to carry a pistol in Minnesota. The permit issued from another state is not valid if the holder is or becomes prohibited by law from possessing a firearm. The Director of Public Safety may file a petition with the appropriate court to suspend or revoke a license from another state when there is a substantial likelihood that the license holder is a danger to him/herself or the public (Minn. Stat. § 624.714, Subd. 16)

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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 to all licensed peace officers and part-time officers engaged in the discharge of official duties. 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 (Minn. Stat. § 626.8452).

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized Device -A device an officer has received permission from the agency to carry in the performance of their duties, and for which the officer has:

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

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

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

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

De-escalation - Acting or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

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Exigent Circumstances - refers to circumstances that would lead a reasonable peace officer to believe that a particular action is immediately necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence to individuals or law enforcement's efforts.

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

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

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

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

Less-lethal Force - Refers to any use of force other than that which is considered deadly force that involves the physical effort to control, restrain, or overcome the resistance of another person.

Objectively Reasonable - Means the use and level of force used by a peace officer, given the totality of the circumstances and information known by the peace officer at the time the force was used, is in alignment with what any other reasonable and prudent peace officer would do in the same or similar situation. Objective reasonableness is not evaluated using hindsight.

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

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 shall use only the amount of foce that reasonably appears necessary based on the totality of the circumstnaces known at the time, evaluated without the benefit of hindsight.

The West Hennepin Public Safety recognizes and respects the sanctity of human life and dignity without prejudice to anyone. Vesting officers with the authority to use objectively reasonable force when necessary and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member 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 (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

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Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

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

300.2.2 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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

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

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.

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e. In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.
f. In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.
g. In self-defense or defense of another.

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

300.3.2 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 (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
d. The effects of suspected drug or alcohol use.
e. Whether the individual has a known or apparent physical, mental health, developmental, or intellectual disability that may impact their ability to understand or comply with commands.
f. The individual's ability to understand and comply with officer commands.
g. Proximity of weapons or dangerous improvised devices.
h. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
i. The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).
j. Seriousness of the suspected offense or reason for contact with the individual.
k. Training and experience of the officer.
l. Potential for injury to officers, suspects, and others.
m. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
n. The risk and reasonably foreseeable consequences of escape.
o. The apparent need for immediate control of the individual or a prompt resolution of the situation.
p. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
q. Prior contacts with the individual or awareness of any propensity for violence.
r. Any other exigent circumstances.

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Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only the amount of force necessary to control the situation shall be used.

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 individual can comply with the direction or orders of the officer.
c. Whether the individual 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 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers shall use non-violent de-escalation strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion). Officers shall allow time and opportunity for voluntary compliance when such delay does not compromise safety, risk of evidence destruction, the commission of a crime, or enable escape.

300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

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

a. A chokehold as defined in this policy.
b. Tying all of an individual's limbs together behind the person's back to render the person immobile (i.e., a hog tie).
c. Securing an individual in any way that results in transporting the person face down in a vehicle.

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

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

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

300.4.1 MOVING VEHICLES

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

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

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

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

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

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

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

300.5.2 STATE REPORTING REQUIREMENTS

The Director of Public Safety shall provide for the filing of a report with the Bureau of Criminal Apprehension (BCA) on a monthly basis and in the form required by BCA (Minn. Stat. § 626.5534) for each use of force incident that results in serious bodily injury or death..

There may be additional reporting requirements regarding misconduct (see the Standards of Conduct Policy) (Minn. Stat. § 626.8457).

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

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. When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
    1. The content of the interview should not be summarized or included in any related criminal charges.
    2. The fact that a recorded interview was conducted should be documented in a property or other report.
    3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
d. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
    1. These photographs should be retained until all potential for civil litigation has expired.
e. Identify any witnesses not already included in related reports.
f. Review and approve all related reports.
g. Determine if there is any indication that the individual may pursue civil litigation.
    1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
h. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.7.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant 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.

300.8 TRAINING

Officers shall receive training on this policy, including the learning objectives as provided by the Board of Peace Officer Standards and Training (POST), and demonstrate their knowledge and understanding at least annually (Minn. Stat. § 626.8452, Subd. 3).

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities. Additionally, subject to available resources, the department will provide de-escalation, simulation, and scenario-based trainings focused on the use of force to aid officers in use of force situations and determinations.

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

Before carrying an authorized device, all officers shall receive training and instruction on the use of the device including training as it relates to use of force situations. Such training and instruction shall continue on an annual basis. Officers shall only carry and use authorized devices unless circumstances exist, which pose an immediate threat to the safety of the public or the officer that justify the use of a device or object, that has not been previously authorized, to counter such a threat. With agency approval, officers may modify, alter, or cause to be altered an authorized device in their possession or control.

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

300.8.1 STATE-SPECIFIC TRAINING REQUIREMENTS

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

300.8.2 TRAINING REQUIREMENTS

Required annual training shall include:

a. Legal updates.
b. De-escalation tactics, including alternatives to force.

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c. The duty to intercede.
d. The duty to request and/or render medical aid.
e. Warning shots (see the Firearms Policy).
f. All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Sergeant should prepare an analysis report on use of force incidents. The report should be submitted to the Director of Public Safety. The report should not contain the names of officers, suspects, or case numbers, and should include:

a. The identification of any trends in the use of force by members.
b. Training needs recommendations.
c. Equipment needs recommendations.
d. Policy revision recommendations.

300.10 POLICY REVIEW

The Director of Public Safety or the authorized designee should annually review and update this policy to reflect developing practices and procedures.

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Use of Force Review

301.1 PURPOSE AND SCOPE

This policy establishes a process for the West Hennepin Public Safety to review the use of force by its employees.

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

301.2 POLICY

The West Hennepin Public Safety will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENTS

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

301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in great bodily harm or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Director of Public Safety may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Director of Public Safety or his designee will convene the Use of Force Review Board as necessary. It will be the responsibility of the Sergeant of the involved employee to notify the Director of Public Safety of any incidents requiring board review. The involved employee's Sergeant will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Sergeant should select five Use of Force Review Board members from the following, as appropriate:

- Sergeant
- Outside law enforcement agency supervisor as appointed by Director of Public Safety.
- Department instructor for the type of weapon, device or technique used

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The Director of Public Safety will appoint one of the five members on the review board to l serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

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

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

Any questioning of the involved employee conducted by the board will be in accordance with the Department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Director of Public Safety.

The Director of Public Safety shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Director of Public Safety's final findings will be forwarded to the involved employee's Sergeant for review and appropriate action. If the Director of Public Safety concludes that discipline should be considered, a disciplinary process will be initiated.

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At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Director of Public Safety.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The West Hennepin Public Safety 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.

302.3 USE OF RESTRAINTS

Only members who have successfully completed West Hennepin Public Safety-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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

302.3.3 RESTRAINT OF JUVENILES

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

302.3.4 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.

302.4 HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

302.5 SPIT HOODS

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

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

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

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

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

302.6 AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg 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.

302.7 LEG RESTRAINT DEVICES

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

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

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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When applying leg restraints the following guidelines should be followed:

a. If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
b. Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
c. Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on 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).

302.8 REQUIRED DOCUMENTATION

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

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

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

a. The factors that led to the decision to use restraints.
b. Supervisor notification and approval of restraint use.
c. The types of restraint used.
d. The amount of time the person was restrained.
e. How the person was transported and the position of the person during transport.
f. Observations of the person's behavior and any signs of physiological problems.
g. Any known or suspected drug use or other medical problems.

302.9 TRAINING

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

a. Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
b. Response to complaints of pain by restrained persons.
c. Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

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

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Control Devices

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Director of Public Safety 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 and tactically appropriatea verbal warning and opportunity to comply should precede the use of these devices.

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

303.4 RESPONSIBILITIES

303.4.1 SHIFT SERGEANT RESPONSIBILITIES

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

303.4.2 FIRE ARMS INSTRUCTOR RESPONSIBILITIES

The Fire Arms Instructor 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 Fire Arms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

303.5 BATON GUIDELINES

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The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the officer reasonably believes the use of deadly force is appropriate. See the Use of Force Policy for additional guidance.

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

303.6 TEAR GAS GUIDELINES

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

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray or Repuls 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.

303.7.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC or Repuls spray 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.

303.8 POST-APPLICATION NOTICE

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

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303.9 KINETIC ENERGY PROJECTILES GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation. Department members must have received training and be currently approved by the departments Use of Force Coordinator in the deployment of impact munitions.

303.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

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

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

a. The suspect is armed with a weapon and the tactical circumstances allow for safe deployment.
b. The suspect has made credible threats to harm him/herself or others.
c. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

303.9.3 MEDICAL TREATMENT

All subjects who are struck by a less-lethal projectile shall be evaluated by a paramedic at the scene of the incident.

303.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary. Officers will receive training on the use of issued control devices and this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

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

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

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

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Flash/Sound Diversionary Devices

304.1 PURPOSE AND SCOPE

The purpose of this order is to establish guidelines for the deployment and use of flash/sound diversionary devices.

Personnel of this Department are authorized to use flash/sound diversionary devices, sometimes referred to as "flash bangs", in situations when the use of a less-lethal diversion would facilitate entry, enable an arrest, restore order, and/or potentially reduce the risk of injury.

304.2 JUSTIFICATION FOR USE

Circumstances justifying the use of flash/sound diversionary devices may include, but not be limited to:

a) Barricaded subject and/or hostage situations
b) High-risk warrant services
c) Discouraging dangerous animals from attacking
d) Riotous situations
e) Circumstances wherein distraction of violent and/or emotionally disturbed persons and/or those under the influence of alcohol/drugs is believed necessary to facilitate apprehension/ custody
f) Situations wherein the Incident Commander or on-scene Supervisor deems their use necessary to safely resolve the incident.

304.3 PROCEDURES PERSONS AUTHORIZED TO CARRY/DEPLOY DIVERSIONARY DEVICES

Only personnel who have successfully completed departmentally approved training in the proper use and deployment of flash/sound diversionary devices shall be certified/authorized to carry/ deploy flash/sound diversionary devices during actual operations or training. Refresher training on their use should be provided annually.

304.4 AUTHORIZATION FOR USE

Except in extreme emergencies (i.e., life-threatening situations), flash/sound diversionary devices shall not be used without prior authorization of the Incident Commander/On-scene Supervisor.

304.5 DEPLOYMENT CONSIDERATIONS

Prior to deploying flash/sound diversionary devices, personnel shall consider available information and circumstances (i.e., presence of young children, elderly persons, flammable materials, small loose objects, etc). Circumstances may indicate that exterior deployment is preferable to

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deployment on the interior of a structure. Whenever possible, devices should be deployed to an area visible to the deploying officer. A flashbang pole may also be utilized to facilitate deployment.

304.6 SAFETY EQUIPMENT

All personnel carrying flash/sound diversionary devices in an actual incident or situation shall wear fire-retardant gloves and eye protection. The previously mentioned equipment is mandatory for training.

Because flash/sound diversionary devices have the potential to ignite flammable materials, a portable fire extinguisher or the Fire Department shall be readily accessible whenever devices are carried and may be deployed.

304.7 DOCUMENTATION AND REVIEW

In the event devices are deployed, the circumstances surrounding their deployment shall be fully described and documented in the use of force report. The Chief of Police or his or her designee shall be responsible for reviewing any deployment of flash/sound diversionary devices to ensure that policy is/was followed.

304.8 REPORTING REQUIREMENTS

Flash/sound diversionary devices are registered by serial number with the Bureau of Alcohol, Tobacco, and Firearms (ATF). Typically, the Department's purchase of new devices is reported directly (by case-lot serial numbers) to ATF by the device manufacturer via ATF Form 5. The National Firearms Act requires the Department to notify ATF upon the use/expenditure of flash/sound diversionary devices. Any device deployed by personnel are to report the serial number of any deployed device to the Firearms Instructor. Firearms Instructors shall be responsible for submitting written notification to ATF when all devices listed on a single ATF form 5 have been used/expended.

Bureau of Alcohol, Tobacco, and Firearms
National Firearms Branch
244 Needy Road
Martinsburg, WV 25405
(304)616-4500

304.9 INSPECTION AND STORAGE

The Firearms Instructor is responsible for ensuring that all flash/sound diversion devices are inspected annually. This inspection shall ensure that the Department's devices are properly prepared and in good condition. Devices used beyond their recommended lifetimes shall be designated for use in training only.

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Flash/Sound Diversionary Devices

Flash/sound diversionary devices should be stored in a cool, dry location within the designated secure storage locations in thier original packaging. Devices may be temporarily issued to squad cars and designated personnel, provided appropriate records are maintained. Devices should be carried securely in a pouch/carrier with a retention strap or flap. Loans of Departmentally owned equipment to other agencies must be pre-approved by the Chief or his/her designee.

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Conducted Energy Device

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

305.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

305.3 ISSUANCE AND CARRYING CEDS

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

The Fire Arms Instructor should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

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

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges /magazines should not be used after the manufacturer's expiration date.

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

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

a. All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
b. For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
c. Officers should not hold a firearm and the CED at the same time.

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

305.3.1 USER RESPONSIBILITIES

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

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CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Fire Arms Instructor for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

305.4 VERBAL AND VISUAL WARNINGS

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

a. Provide the individual with a reasonable opportunity to voluntarily comply.
b. Provide other officers and individuals with a warning that the CED may be deployed.

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

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

305.5 USE OF THE CED

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

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

305.5.1 APPLICATION OF THE CED

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

a. Is violent or is physically resisting.
b. Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themself, or others.

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

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

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

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

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

305.5.3 TARGETING CONSIDERATIONS

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

305.5.4 MULTIPLE APPLICATIONS OF THE CED

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

a. Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
b. Whether the probes are making proper contact.
c. Whether the individual has the ability and has been given a reasonable opportunity to comply.
d. Whether verbal commands or other options or tactics may be more effective.

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

305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

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

305.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

305.5.7 OFF-DUTY CONSIDERATIONS

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

Officers shall ensure that CEDs 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.

305.6 DOCUMENTATION

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

305.6.1 CED REPORT FORM

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

a. The brand, model, and serial number of the CED and any cartridge/magazine.
b. Date, time, and location of the incident.
c. Whether any warning, display, laser, or arc deterred a subject and gained compliance.
d. The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
e. The range at which the CED was used.
f. The type of mode used (e.g., probe deployment, drive-stun).
g. Location of any probe impact.
h. Location of contact in drive-stun mode.
i. Description of where missed probes went.
j. Whether medical care was provided to the subject.
k. Whether the subject sustained any injuries.
l. Whether any officers sustained any injuries.

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The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

305.6.2 REPORTS

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

a. Identification of all personnel firing CEDs
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

305.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following 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 CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
e. The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

305.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Fire Arms Instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

305.9 TRAINING

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

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

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

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

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

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

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

The Training Sergeant should include the following training:

a. A review of this policy.
b. A review of the Use of Force Policy.
c. Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
d. Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
e. Scenario-based training, including virtual reality training when available.
f. Handcuffing a subject during the application of the CED and transitioning to other force options.
g. De-escalation techniques.
h. Restraint techniques that do not impair respiration following the application of the CED.
i. Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
j. Proper tactics and techniques related to multiple applications of CEDs.

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Conducted Energy Device

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Officer-Involved Shootings and Deaths

306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Director of Public Safety may decide that the investigation will follow the process provided in this policy.

306.2 POLICY

The policy of the West Hennepin Public Safety is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

306.3 TYPES OF INVESTIGATIONS

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

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

306.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

306.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the West Hennepin Public Safety would control the investigation if the suspect's crime occurred in Maple Plain orIndependence.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Director of Public Safety and with concurrence from the other agency.

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306.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Director of Public Safety or the authorized designee for approval.

306.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

306.4.4 POST ADMINISTRATIVE INVESTIGATIONS

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

306.4.5 COOPERATION WITH BUREAU OF CRIMINAL APPREHENSION INVESTIGATIONS

The Department will fully cooperate with and promptly respond to requests for information from the Bureau of Criminal Apprehension regarding an officer-involved death investigation (Minn. Stat. § 626.5534).

306.5 INVESTIGATION PROCESS

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

306.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved WHPS officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

a. Secure the scene and identify and eliminate hazards for all those involved.
b. Take reasonable steps to obtain emergency medical attention for injured individuals.
c. Request additional resources from the Department or other agencies.
d. Coordinate a perimeter or pursuit of suspects.
e. Check for injured persons and evacuate as needed.
f. Brief the supervisor upon arrival.

306.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved WHPS supervisor should ensure completion of the duties as outlined above, plus:

1. Attempt to obtain a public safety statement from any uninvolved officers.

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

2. If necessary, the supervisor may administratively order any WHPS officer to immediately provide a public safety statement necessary to secure the scene, identify injured parties and pursue suspects.

- To the best of your knowledge is anyone injured that we are not aware of?
- If firearms were used approximately how many times did you fire and in what direction?
- Did anyone fire towards you? If so, where were you?
- Are you aware of any witnesses? If so, where are they?
- Are their any persons that need to be apprehended? If so, what for? What is their description & mode /direction of travel?
- Are their any other locations other than where we are that we should consider for scene processing or that evidence may be located?

a. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety statement.
b. Provide all available information to the Shift Sergeant and Hennepin County Sheriffs Office Dispatch. If feasible, sensitive information should be communicated over secure networks.
c. Take command of and secure the incident scene with additional WHPS members until properly relieved by another supervisor or other assigned personnel or investigator.
d. As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
    1. Each involved WHPS officer should be given an administrative order not to discuss the incident with other involved officers or WHPS members pending further direction from a supervisor.
    2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e. g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

306.5.3 SERGEANT DUTIES

Upon learning of an officer-involved shooting, the Sergeant shall be responsible for coordinating all aspects of the incident until relieved by the Director of Public Safety or designee.

306.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Director of Public Safety
- Investigation Sergeant
- Serious Injury or Line of Duty Death Policy rollout team
- Outside agency investigators (if appropriate)

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- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer’s agency representative (if requested)
- Public Information Officer

306.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

1. Any request for legal or union representation will be accommodated.
    1. Involved WHPS officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
    2. Requests from involved non-WHPS officers should be referred to their employing agency.
2. Discussions with licensed attorneys will be considered privileged as attorney-client communications.
3. Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
4. A licensed psychotherapist shall be provided by the Department to each involved WHPS officer. A licensed psychotherapist may also be provided to any other affected WHPS members, upon request.
    a. Interviews with a licensed psychotherapist will be considered privileged.
    b. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
    c. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
5. Communications with peer counselors are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9731, Subd. 4 (Minn. Stat. § 181.9731).

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

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

306.6 CRIMINAL INVESTIGATION

The Minnesota Bureau of Criminal Apprehension is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

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If available, investigative personnel from this department may be assigned to partner with investigators from Minnesota Bureau of Criminal Apprehension or outside agencies to avoid duplicating efforts in related criminal investigations.

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

a. WHPS supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of WHPS officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
b. If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
c. If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
d. Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

306.6.1 REPORTS BY INVOLVED WHPS OFFICERS

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

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

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

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

306.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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1. Identification of all persons present at the scene and in the immediate area.
    1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
    2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
2. Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
    1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
3. Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

306.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the Minnesota Bureau of Criminal Apprehension and may be assigned to separately handle the investigation of any related crimes not being investigated by the Minnesota Bureau of Criminal Apprehension.

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

306.7 ADMINISTRATIVE INVESTIGATION

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

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

1. Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening in accordance with the drug and alcohol testing guidelines in the Drug- and Alcohol-Free Workplace 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.

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2. If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
    1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
3. In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information (Minn. Stat. § 626.89).
    1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
    2. The interview must be taken at the WHPS or at a place agreed to by the interviewer and the involved officer.
    3. The interview must be of reasonable duration and provide the involved officer reasonable periods for rest and personal necessities. When practicable, the interview must be held during the involved officer' s regularly scheduled work shift. If not, the involved officer must be compensated at his/her current pay rate.
    4. If requested, the officer shall have the opportunity to select an uninvolved representative or an attorney, or both, to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
    5. Administrative interviews shall be recorded electronically or otherwise by the investigator. The officer may also record the interview. A complete copy or transcript of the interview must be provided to the involved officer upon written request without charge or undue delay.
    6. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed in writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.
    7. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
    8. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
    9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

306.8 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.

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

306.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

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

When a person dies as a result of the use of force by an officer, the Department shall (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3):

a. Allow certain individuals as identified in Minn. Stat. § 13.825, upon request, to inspect all portable recording system data that documents the incident within five days of the request pursuant to the provisions of Minn. Stat. § 13.825.
b. Release all portable recording system data that documents the incident within 14 days of the incident pursuant to the provisions of Minn. Stat. § 13.825.

The Director of Public Safety should work with the Custodian of Records when redactions or denials are necessary (Minn. Stat. § 13.825, Subd. 2; Minn. Stat. § 626.8473, Subd. 3).

306.10 AUDIO AND VIDEO RECORDINGS

Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

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

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the City Attorney or City Attorney's Office as appropriate.

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306.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Sergeant is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event (Minn. Stat. § 181.9732).

The debriefing is not part of any investigative process. Communications with critical incident stress management team members, as defined in Minn. Stat. § 181.9732, are confidential and shall not be disclosed except as provided in Minn. Stat. § 181.9732, Subd. 4 (Minn. Stat. § 181.9732).

Members who witness a critical incident are prohibited from providing critical incident stress management services at a debriefing about the incident that they witnessed (Minn. Stat. § 181.9732).

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Unit personnel.

306.10.2 TACTICAL DEBRIEFING

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

306.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Investigation Sergeant and Public Information Officer in the event of inquiries from the media.

No involved WHPS officer shall make any comment to the media unless he/she is authorized by the Director of Public Safety or a Sergeant.

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

306.12 REPORTING

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

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Firearms

307.1 PURPOSE AND SCOPE

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

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

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

307.1.1 AUTHORIZATION TO CARRY FIREARMS

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

307.2 POLICY

The West Hennepin Public Safety will require officers to carry firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department and officers will ensure the firearms are appropriate, in good working order and that relevant training is provided by West Hennepin PSD as resources allow.

307.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Fire Arms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

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

307.3.1 HANDGUNS

The authorized department handgun is the Officer Preference of Glock Model handguns in Full-Frame, Compact, or Sub-Compact chamberedin 9mm or .45 caliber approved by the Director of Public Safety and the firearms training officer. Uniformed patrol officers are required to carry full-frame or compact models. Plain clothes or special detail officers are authorized to carry sub-compact models.

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307.3.2 AUTHORIZED SECONDARY FIREARMS

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

a. The firearm shall be in good working order and on the department's list of approved calibers.

b. Only one secondary firearm may be carried at a time.

c. The purchase of the firearm shall be the responsibility of the officer.

d. The firearm shall be carried out of sight at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

e. The firearm shall be inspected by the Fire Arms Instructor prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

f. Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Director of Public Safety or the authorized designee shall approve the ammunition.

g. Prior to carrying the secondary firearm, personnel shall qualify under range supervision 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 written notice of the make, model, color, serial number and caliber of a second firearm to the Fire Arms Instructorand West Hennepin PSD.

307.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is currently a AR15 style rifle.223 caliber/5. 56x45mm approved by West Hennepin PSD . The following additional patrol rifles are approved for on-duty use:

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

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a. Situations where the member reasonably anticipates an armed encounter.
b. When a member is faced with a situation that may require accurate and effective fire at long range.
c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
e. When a member reasonably believes that a suspect may be wearing body armor.
f. When authorized or requested by a supervisor.
g. When needed to euthanize an animal.

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

307.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Director of Public Safety or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

a. The firearm shall be in good working order and on the department list of approved firearms.
b. The firearm shall be inspected by the Fire Arms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
c. Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
d. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Fire Arms Instructor, who will maintain a list of the information.

307.3.5 AUTHORIZED OFF-DUTY FIREARMS

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

1. A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
    1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
2. The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
3. It will be the responsibility of the member to submit the firearm to the Fire Arms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Fire Arms Instructor.

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4. Prior to carrying any off-duty firearm, the member shall demonstrate to the Fire Arms Instructor that the member is proficient in handling and firing the firearm and that it will be carried in a safe manner.
5. The member will successfully qualify with the firearm prior to it being carried.
6. Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Fire Arms Instructor, who will maintain a list of the information.
7. If a member desires to use more than one firearm while off-duty, the member may do so, as long as all requirements set forth in this policy for each firearm are met.
8. Members shall only carry department-authorized ammunition
9. When armed, officers shall carry their badges and West Hennepin Public Safety identification cards under circumstances requiring possession of such identification.

307.3.6 AMMUNITION

Members shall carry only authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for departmentthe officers firearms during the member's firearms qualification. This ammunition will be replaced once per year, usually at the department night shoot. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Fire Arms Instructor when needed, in accordance with established policy.

Members carrying authorized firearms of a caliber differing from authorized firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Fire Arms Instructor when needed, in accordance with established policy.

307.4 EQUIPMENT

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

307.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Fire Arms Instructor.

Firearms that are personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Fire Arms Instructor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Fire Arms Instructor.

307.4.2 HOLSTERS

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

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307.4.3 TACTICAL LIGHTS

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

307.4.4 OPTICS OR LASER SIGHTS

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

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

307.5 SAFE HANDLING, INSPECTION AND STORAGE

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

a. Members shall not unnecessarily display or handle any firearm.
b. Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Fire Arms Instructor. Members shall not dry fire or practice quick draws except under Fire Arms Instructor supervision or while off duty as part of training .
c. Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
d. Rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
e. Members shall not place or store any firearm or other weapon on department premises except where the place of storage is lock. .
f. Members shall not use any fully automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
g. Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Fire Arms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Fire Arms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be obtained by the employee until the duty firearm is serviceable.

307.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that

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the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

307.5.2 STORAGE AT HOME

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

307.5.3 ALCOHOL AND DRUGS

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

307.6 FIREARMS TRAINING AND QUALIFICATIONS

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

Members will qualify with off-duty and secondary firearms annually..

Training and qualifications must be on an approved range course.

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

307.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided immediate remedial training and will be given a second opportunity to qualifty and or subject to the following requirements:

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1. Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
2. Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
3. No range credit will be given for the following:
    1. Unauthorized range make-up
    2. Failure to meet minimum standards or qualify after remedial training

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

307.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

a. If on-duty at the time of the incident, the member shall file a written report with their Sergeant or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
b. If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

307.7.1 DESTRUCTION OF ANIMALS

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

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

307.7.2 INJURED ANIMALS

An officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

307.7.3 WARNING AND OTHER SHOTS

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

Warning shots shall not be used.

307.7.4 REPORTING FIREARMS DISCHARGE

The Director of Public Safety shall notify the Commissioner of Public Safety within 30 days of an on-duty firearm discharge, except when the discharge is in the course of training or destruction of animals (described in this policy). The notification shall contain information concerning the reason for and circumstances surrounding the discharge (Minn. Stat. § 626.553).

307.8 FIRE ARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Fire Arms Instructor. All members attending will follow the directions of the Fire Arms Instructor. The Fire Arms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Fire Arms Instructor may result in non-participation or non-qualification.

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

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

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

The Fire Arms Instructor shall complete and submit to the Training Sergeant documentation of the courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Fire Arms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

307.9 FLYING WHILE ARMED

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

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

307.10 CARRYING FIREARMS OUT OF STATE

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

a. The officer shall carry the officer's West Hennepin Public Safety identification card whenever carrying such firearm.
b. The officer may not be the subject of any current disciplinary action.
c. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
d. The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

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Vehicle Pursuits

308.1 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).

308.1.1 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)).

308.2 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 low-speed 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 attempts to apprehend a driver who ignores the signal to stop by increasing speed, extinguishing headlights or taillights, refusing to stop the vehicle, or using other means with intent to attempt to elude a peace officer (Minn. Stat. § 609.487).

308.3 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 that is sounded when necessary to warn pedestrians or other drivers (Minn. Stat. § 169.17; Minn. Stat. § 169.68).

Operating an emergency vehicle in a pursuit with emergency lights 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 a reckless disregard for the safety of others (Minn. Stat. § 169.17).

308.3.1 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
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. The 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

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

308.3.2 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.

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. The 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. The pursued vehicle's location is no longer definitely known.
c. The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
d. The 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.
i. When radio communications are broken or inadequate.
j. When the danger that the continued pursuit poses to the public, the officers, or the suspect is too great, balanced against the risk of allowing the suspect to remain at large.

308.3.3 SPEED LIMITS

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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.

308.4 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.

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 suspects. 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.

308.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

308.4.2 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 suspects without unreasonable danger to the officer or other persons (Minn. Stat. § 626.8458 Subd. 2 (4)).

The primary unit should notify Hennepin County Sheriffs Office 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.

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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 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.

308.4.3 SECONDARY UNIT RESPONSIBILITIES

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

308.4.4 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 (3)):

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 and utilizing a flashing red lamp or siren as may be necessary for safe operation (Minn. Stat. § 169.03, Subd. 2).
c. As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway (Minn. Stat. § 169.03). 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 suspects.
d. Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

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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.

308.4.5 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 non-emergency manner, observing the rules of the road.

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

308.4.6 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 suspects.

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.

308.4.7 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.

308.5 SUPERVISORY 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 field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

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a. Upon becoming aware of a pursuit, immediately notify involved officers and Hennepin County Sheriffs Office Dispatch of supervisory presence and ascertain 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 the field supervisor's 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 WHPS units when a pursuit enters another jurisdiction.
j. Prepare a post-pursuit critique and analysis of the pursuit for training purposes.

308.5.1 SHIFT SERGEANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Sergeant has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command (Minn. Stat. § 626.8458 Subd. 2 (4)).

The Shift Sergeant shall review all pertinent reports for content and forward them to the Sergeant.

308.6 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.

308.6.1 HENNEPIN COUNTY SHERIFFS OFFICE DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Hennepin County Sheriffs Office 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.
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 Shift Sergeant as soon as practicable.

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308.6.2 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.

308.7 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 the [dispatcher] and 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)).

If a pursuit from another agency enters the department's jurisdiction, Hennepin County Sheriffs Office Dispatch should update the on-duty supervisor.

308.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

West Hennepin Public Safety officers will discontinue the pursuit when another agency has assumed the pursuit unless continued assistance of the West Hennepin Public Safety 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 assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

308.7.2 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.

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.

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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 Shift Sergeant should review a request for assistance from another agency. The Shift Sergeant 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.

308.8 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.

308.8.1 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor, if a supervisor is on duty. 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 (Minn. Stat. § 626.8458 Subd. 2;.

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

308.8.2 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.

308.8.3 INTERVENTION 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

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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.

a. Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when 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:

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

    2. All other reasonable intervention techniques have failed or reasonably appear ineffective.

    3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.

    4. The target vehicle is stopped or traveling at a low speed.

    5. At no time should civilian vehicles be used to deploy this technique.

b. Only those officers trained in the use of the PIT will be authorized to use this procedure upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

    1. Because our primary concern in all pursuits is the safety of the public, it is essential that all pursuits be terminated quickly. Once an officer is certain that a subject is starting to flee, the officer should immediately seek and use opportunities to end the pursuit with a P.I.T. technique. Early proper use of this technique will accomplish the twin goals of safety to the public and arrest of the subject. It is appropriate to use a P.I.T. technique at any time in a pursuit when it can successfully shorten the pursuit and reduce risk to the public.

    2. In the event that a pursuit is initiated by another law enforcement agency and an officer from West Hennepin becomes involved in the pursuit, the use of P.I.T. can be used if requested.

    3. The use of P.I.T. should not be considered the use of deadly force.

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

    1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.

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2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

d. As with all intervention techniques, 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.

e. Only officers trained in their use may deploy tire-deflating spike strips and 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.

1. 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.

2. Predeployment considerations are the roadway and roadside topography, road conditions, visual and physical obstructions, vehicular traffic, pedestrian traffic, type of vehicle being pursued, where the pursuit is in relation to the deploying officer, and speed of the pursuit.

3. Deployment of the tire-deflating device should be made in an area of the roadway that is as straight as possible and allows for adequate cover for the deploying officer. The squad driven by the deploying officer should, if possible, be parked off the roadway to protect the deploying officer.

4. If the pursued vehicle is 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.

5. Unless use of deadly force is authorized pursuant to M.S. 609.066, under no circumstances will tire-flattening devices be authorized for use on motorcycles or any other vehicles that do not have at least four (4) pneumatic tires.

f. 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.

308.8.4 CAPTURE OF SUSPECTS

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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.

308.9 REPORTING AND REVIEW REQUIREMENTS

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

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

b. The primary officer or supervisor shall complete the appropriate pursuit report.

c. After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Director of Public Safety 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.

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d. After receiving copies of reports, logs and other pertinent information, the Director of Public Safety or designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.

e. Annually, the Director of Public Safety should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

308.9.1 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).

308.9.2 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.

308.9.3 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).

308.9.4 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

309.1 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).

309.2 RESPONSE TO CALLS

309.2.1 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.; Minn. Stat. § 169.17).

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.

309.2.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES

An officer may operate a vehicle without lights as otherwise required while performing law enforcement duties when the officer reasonably believes that operating the vehicle without lights is necessary to investigate a criminal violation or suspected criminal violation of state laws, rules or orders, or local laws, ordinances or regulations. The operation of a vehicle without lights must be consistent with the standards adopted by Minnesota Peace officer Standards and Training Board (POST) (Minn. Stat. § 169.541).

309.3 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 Hennepin County Sheriffs Office Dispatch.

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

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

309.3.1 NUMBER OF UNITS PARTICIPATING

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

309.4 INITIATING EMERGENCY CALL RESPONSE

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

The Shift Sergeant or primary responding officer will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

309.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

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

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

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

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

Upon determining that an emergency call response is appropriate, an officer shall immediately give the location from which he/she is responding.

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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.

309.6 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. In all other circumstances, the dispatcher shall obtain authorization from the Shift Sergeant or a field supervisor prior to assigning an emergency response. The dispatcher shall:

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

b. Immediately notify the Shift Sergeant.

c. Confirm the location from which the unit is responding.

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

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

f. Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Sergeant or field supervisor.

309.7 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 Shift Sergeant, field supervisor or Hennepin County Sheriffs Office Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

309.8 TRAINING

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

309.9 POLICY

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

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Domestic Abuse

310.1 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.

310.1.1 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. Threats of violence with intent to terrorize as specified by Minn. Stat. § 609.713, Subd.1.
c. Criminal sexual conduct (Minn. Stat. § 609.342 to Minn. Stat. § 609.3451)
d. Interference with an emergency call as specified by Minn. Stat. § 609.78, Subd.2.

310.2 POLICY

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

310.3 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.

310.4 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 Investigations 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. Whether the suspect lives on the premises with the victim.
    2. Claims by the suspect that the victim provoked or perpetuated the violence.
    3. The potential financial or child custody consequences of arrest.
    4. The physical or emotional state of either party.
    5. Use of drugs or alcohol by either party.
    6. Denial that the abuse occurred where evidence indicates otherwise.
    7. A request by the victim not to arrest the suspect.
    8. Location of the incident (public/private).
    9. Speculation that the complainant may not follow through with the prosecution.
    10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
    11. The social status, community status, or professional position of the victim or suspect.

310.4.1 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.

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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.

310.4.2 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.

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

a. Victims should be provided with the department's domestic abuse information handout, even if the incident may not rise to the level of a crime.
b. Victims should be alerted to any available victim advocates, shelters, and community resources.
c. When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
d. If the victim has sustained injury or complains of pain, officers should seek medical assistance as soon as practicable.
e. Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
f. Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
g. If appropriate, officers should seek or assist the victim in obtaining an emergency order.

310.6 DISPATCH ASSISTANCE

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

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

310.7 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

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order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.7.1 CANADIAN ORDERS FOR PROTECTION

An order for protection issued by Canada or a Canadian province shall be enforced as if it were the order of a court in this state and afforded the same consideration as foreign court orders with respect to proper issuance and registration (Minn. Stat. § 518F.03).

310.8 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.

310.9 LEGAL MANDATES AND RELEVANT LAWS

Minnesota law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic abuse report should consider the following:

a. An officer has the authority to arrest a person without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person has, within the preceding 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

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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 Shift Sergeant will determine whether a person arrested on a charge of stalking any person, domestic abuse, violation of an order for protection, violation of a domestic abuse no contact order, or violation of a court-ordered transfer of firearms will be held in custody or be issued a citation in lieu of continued detention and released after booking. The person shall be held in custody whenever the Shift Sergeant determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):
    1. Poses a threat to the alleged victim or another family or household member.
    2. Poses a threat to public safety.
    3. Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings.
e. Officers shall arrest and take into custody, without a warrant, a person whom the peace officer has probable cause to believe has violated a court order issued pursuant to Minn. Stat. § 518B.01 or Minn. Stat. § 629.75. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the officer can verify the existence of the order. If the person is not released on citation in lieu of continuing detention, the person shall be held in custody for these violations for at least 36 hours unless released by a court (Minn. Stat. § 518B.01; Minn. Stat. § 629.75).
f. An arrest for a violation of an order of protection may be made regardless of whether the excluded party was invited back to the residence (Minn. Stat. § 518B.01, Subd. 18).
g. Following an arrest, an officer should contact the local domestic abuse program by phone as soon as possible and provide the name and address of the victim and a brief factual account of events associated with the action.
h. An officer shall arrest and take into custody a person whom the officer has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748, if the officer can verify the existence of the order.
i. Officers are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of any other no contact or restraining order issued by a court, even if the offense did not rise to the level of a felony (Minn. Stat. § 629.34). While conducting a domestic abuse investigation officers shall attempt to verify whether there has been a court order issued.
j. Officers should consider whether other offenses have been committed that may not qualify as a domestic abuse including, but not limited to, burglary, felony assault, other threats of violence, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct, or assault.

310.9.2 REPORTS AND RECORDS

a. Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):
    1. Names, addresses, and telephone numbers of all involved persons

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2. Condition of clothing
3. Description of the scene, including any property damage
4. Evidence of physical injury, including strangulation
5. Presence of elderly victims or persons with disabilities
6. Facts related to any person who may have been a primary aggressor
7. Excited utterances of the victim and the suspect
8. Demeanor of the victim and the suspect
9. Medical records, including the victim's statements to paramedics, nurses, and doctors
10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
11. A detailed explanation of the reasons for the officer's decision not to arrest or seek an arrest warrant
12. Evidence of any prior domestic abuse or related convictions, including dates
13. Any existing orders for protection, harassment restraining order, or no contact orders
14. Identifying information of a specific court order violated, including county of origin, the file number, and the provision allegedly violated

b. Domestic abuse reports should be forwarded to the appropriate prosecutor for review and consideration of criminal charges, even when no arrest is made or warrant requested.
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. § 260E.06 et seq.
    1. The officer shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201 and take appropriate action.
d. Fees will not be charged for the release of reports related to domestic abuse, as directed in Minn. Stat. § 13.82.

310.9.3 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 and Minn. Stat. § 609.748.

310.9.4 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.

Firearms will normally be surrendered at the West Hennepin Public Safety; 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 Evidence Room Policy.

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Search and Seizure

311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for West Hennepin Public Safety personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the West Hennepin Public Safety to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances reasonably permit:

a. Members of this department will strive to conduct searches with dignity and courtesy.
b. Officers should explain to the person being searched the reason for the search and how the search will be conducted.
c. Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
d. In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
e. When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
    1. Another officer or a supervisor should witness the search. If a witnessing officer is not reasonably available, a custody search should be conducted in view of the squad mobile video recorder or a portable recording device if issued.
    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.

311.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the West Hennepin Public Safety (34 USC § 11133; Minn. Stat. § 260B.176; Minn. Stat. § 260C.176).

This policy does not apply to secure detention facilities, shelter care facilities, or the juvenile portion of an adult facility authorized to hold juveniles, but rather applies to the temporary custody of a juvenile before a juvenile is released, delivered to a court, or delivered to any of these other facilities (Minn. Stat. § 260B.176, Subd. 3; Minn. Stat. § 260C.176, Subd. 3).

312.1.1 DEFINITIONS

Definitions related to this policy include:

Custodian or **Guardian** - A person who is under a legal obligation or who is in fact providing care and support for a minor (Minn. Stat. § 260B.007, Subd. 13; Minn. Stat. § 260C.007, Subd. 10).

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This includes those held as runaways (Minn. Stat. § 260C.175), truancy violators (Minn. Stat. § 260C.143), and juveniles 15 years old or younger in custody related to their engaging in prostitution or related activities (Minn. Stat. § 260B.007 Subd. 6(c)). This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes possession of a handgun in violation of Minn. Stat. § 624.713 (28 CFR 31.303). This does not include a juvenile petty offender under Minn. Stat. § 260B.007.

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring, and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

a. A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
b. A juvenile handcuffed to a rail.

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c. A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
d. A juvenile being processed in a secure booking area when a non-secure booking area is available.
e. A juvenile left alone in a secure booking area after being photographed and fingerprinted.
f. A juvenile placed in a cell within the adult temporary holding area whether or not the cell door is locked.
g. A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include underage possession of tobacco or curfew violation. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. Juvenile petty offenders taken into custody should be considered a status offender for purposes of this policy (Minn. Stat. § 260B. 007; Minn. Stat. § 260B.143).

312.2 POLICY

The West Hennepin Public Safety is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the West Hennepin Public Safety. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the West Hennepin Public Safety:

a. Unconscious
b. Seriously injured
c. A known suicide risk or obviously severely emotionally disturbed
d. Significantly intoxicated
e. Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the West Hennepin Public Safety unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed.

312.3.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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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.

312.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the West Hennepin Public Safety when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the West Hennepin Public Safety without authorization of the arresting officer's supervisor or the Shift Sergeant.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the West Hennepin Public Safety (34 USC § 11133).

312.4.1 ENTRY PROTOCOL FOR STATUS AND NON-OFFENDERS

To ensure full compliance with the Juvenile Justice and Delinquency Prevention Act (JJDPA), the following entry and handling procedures shall apply to status offenders and non-offenders, including but not limited to juveniles detained for truancy, curfew violations, or protective custody:

- These juveniles shall not enter the WHPSD campus through any secure access points, including the gated squad entrance, rear drive, or secure sally port.
- They must be brought to the facility through the main public entrance of the Police/City building.
- Once inside, they shall be held in designated non-secure spaces, such as the public lobby or an interview room, and shall not be placed in any cell, handcuffed to any fixed object, or left unattended.
- Staff shall clearly document:
    - The juvenile's custody status (status offender, non-offender)
    - Entry method (e.g., "main lobby entrance")
    - Time of arrival and release
    - Whether held in secure or non-secure custody

These procedures are intended to reinforce the non-secure nature of custody for these classifications and maintain alignment with federal and state juvenile holding standards.

312.4.2 CUSTODY OF JUVENILE NON-OFFENDERS

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Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the West Hennepin Public Safety. Custodial arrangements should be made for non-offenders as soon as reasonably possible (Minn. Stat. § 260B.175; Minn. Stat. § 260C.143; Minn. Stat. § 260C.176). Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

Juveniles detained for truancy violations may be (Minn. Stat. § 260C.143):

a. Transported to the juvenile's home and released to a parent or guardian.
b. Transported to the juvenile's school of enrollment and delivered to the school superintendent or a teacher.
c. Transported to a child truancy center under Minn. Stat. § 260A.04, Subd. 3.

312.4.3 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

312.4.4 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the West Hennepin Public Safety unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally juvenile offenders may be taken into custody under the authority of Minn. Stat. § 260B.175 when a court order authorizes the custody, when the juvenile has committed an offense that would warrant the arrest of an adult, or when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision.

An officer who takes a juvenile offender of any age or gender into custody or could take the juvenile into custody under Minn. Stat. § 260B.175 is authorized to perform a protective pat-down search of the juvenile offender in order to protect the officer's safety (Minn. Stat. § 260B.175, Subd. 4).

The parent, guardian, or custodian of the juvenile shall be notified as soon as possible when a juvenile offender is taken into custody. Juvenile offenders shall be released to the custody of a parent, guardian, custodian, or other suitable person unless there is reason to believe that the juvenile would (Minn. Stat. § 260B.176):

a. Endanger themself or others.
b. Not return for a court hearing.
c. Run away from or otherwise not remain in the care or control of their parent, guardian, or custodian.
d. Face immediate endangerment to the juvenile's health or welfare.

If a juvenile offender is not released to a parent, guardian, custodian, or other suitable person, the officer taking the juvenile offender into custody shall communicate with or deliver the juvenile to a secure detention facility to determine whether the juvenile should be released or detained. The officer shall also notify the court as soon as possible of the detention of the juvenile and the reasons for detention (Minn. Stat. § 260B.176).

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312.4.5 SCHOOL NOTIFICATION

Minnesota law requires that the Director of Public Safety or the authorized designee notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within our jurisdiction if (Minn. Stat. § 260B.171, Subd. 5):

a. There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, where the victim is a student or staff member and the notice is reasonably necessary for the protection of the victim.
b. There is probable cause to believe a juvenile has committed certain serious crimes regardless of whether the victim is a student or staff member.
c. The juvenile is taken into protective custody and methamphetamine manufacture or storage is involved (see the Child Abuse Policy for guidelines) (see also, Minn. Stat. § 260C.171)

However, the department is not required to notify the school if it is determined that notice would jeopardize an ongoing investigation.

312.5 ADVISEMENTS

When a juvenile is taken into custody on a warrant, the juvenile and his/her parent, guardian, or custodian, if present, shall immediately be informed of the existence of the warrant for immediate custody and, as soon as practicable, of the reasons why the juvenile is being taken into custody (Minnesota Rules of Juvenile Delinquency Procedure 4.03, Subd. 10).

If it is determined that a juvenile taken into custody is going to be placed into a secure detention facility or a shelter care facility, the officer shall advise both the juvenile and the juvenile's parent, guardian, or custodian as soon as possible (Minn. Stat. § 260B.176, Subd. 3; Minn. Stat. § 260C.176, Subd. 3):

a. Of the reasons for custody and the reasons for placement.
b. Of the location of the facility unless there is reason to believe that disclosure would place the juvenile's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176, Subd. 5).
c. That the juvenile's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.
d. That the juvenile may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.
e. That the juvenile may not be detained for acts under Minn. Stat. § 260B.007, Subd. 6 for longer than 36 hours excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260B.178.
f. That the juvenile may not be detained under Minn. Stat. § 260C.175, Subd. 1, clause (1) or (2), item (ii) longer than 72 hours at a shelter care facility excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260C.178.

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g. That the juvenile may not be detained for acts under Minn. Stat. § 260B.007, Subd. 6 for longer than 24 hours in an adult jail or municipal lockup excluding weekends and holidays or longer than six hours if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the juvenile for adult prosecution.
h. Of the date, time, and place of the detention hearing, if this information is available.
i. That the juvenile and the juvenile's parent, guardian, or custodian have the right to be present and to be represented by counsel, at the detention hearing and that if they cannot afford counsel it will be appointed at public expense.

312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department the custody shall be promptly and properly documented in the juvenile custody log, including:

a. Identifying information about the juvenile being held.
b. Date and time of arrival and release from the West Hennepin Public Safety.
c. Shift Sergeant notification and approval to temporarily hold the juvenile.
d. Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
e. Any changes in status.
f. Time of all welfare checks.
g. Any medical and other screening requested and completed.
h. Circumstances that justify any secure custody.
i. Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Sergeant shall initial the log to approve the custody, including any secure custody and shall also initial the log when the juvenile is released.

312.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile or status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the West Hennepin Public Safety shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the West Hennepin Public Safety shall ensure the following:

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a. The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the West Hennepin Public Safety more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the West Hennepin Public Safety more than six hours.
b. A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
c. Personal visual checks and significant incidents/activities shall be noted on the log.
d. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
e. Juveniles shall have reasonable access to toilets and wash basins.
f. Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
g. Juveniles shall have reasonable access to a drinking fountain or water.
h. Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
i. Juveniles should have privacy during family, guardian, and/or lawyer visits.
j. Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
k. Blankets should be provided as reasonably necessary.
l. Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
m. Juveniles shall have adequate furnishings, including suitable chairs or benches.
n. Juveniles shall have the right to the same number of telephone calls as an adult in custody.
o. No discipline may be administered to any juvenile nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

312.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the West Hennepin Public Safety when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

312.10 PERSONAL PROPERTY

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The officer taking custody of a juvenile offender or status offender at the West Hennepin Public Safety shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the West Hennepin Public Safety.

312.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Minn. Stat. § 260B.181). Shift Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is or later becomes a reasonable option.

When reasonably practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

312.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

a. The juvenile shall constantly be monitored by an audio/video system during the entire custody.
b. Juveniles shall have constant auditory access to department members.
c. Initial placement into and removal from a locked enclosure shall be logged.
d. Random personal visual checks of the juvenile by a staff member shall occur no less than every 15 minutes.
    1. All checks shall be logged.
    2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
    3. Requests or concerns of the juvenile should be logged.

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e. Males and females shall not be placed in the same locked room.
f. Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
g. Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Shift Sergeant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the West Hennepin Public Safety. The procedures will address:

a. Immediate notification of the on-duty supervisor, Director of Public Safety and Investigation Division Supervisor.
b. Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
c. Notification of the appropriate prosecutor.
d. Notification of the City attorney.
e. Evidence preservation.

312.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.

312.14 RESTRICTION ON PHOTOGRAPHING

Photographing of juveniles taken into custody will only occur with the consent of the juvenile court, except when the photograph is taken related to a violation of driving while impaired or is taken pursuant to the laws of arrest (Minn. Stat. § 260B.171, Subd. 5; Minn. Stat. § 260B.175; Minn. Stat. § 169A.20).

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Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for West Hennepin Public Safety members as required by law (Minn. Stat. § 626.557).

313.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 626.5572):

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

313.2 POLICY

The West Hennepin Public Safety will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

Members of the West Hennepin Public Safety shall notify the entity responsible for receiving such reports when they have reason to believe that a vulnerable adult is being or has been maltreated, or has sustained a physical injury which is not reasonably explained. Members shall also report suspected negligent care by a service or health care provider that resulted in injury or harm requiring the care of a physician (Minn. Stat. § 626.557).

For purposes of notification, a vulnerable adult is a person age 18 or older who has physical, mental or emotional disabilities that make it difficult for the person to care for or to protect him/herself from maltreatment. It also refers to adults who reside at a facility, or receive care at a facility or through home care (Minn. Stat. § 626.5572).

Maltreatment includes abuse, neglect and financial exploitation. Abuse can be physical, emotional or sexual. Financial exploitation may include any instance where vulnerable adults' money, assets or property are not used for their benefit or are stolen or kept from them (see Minn. Stat. § 626.5572 for full definitions).

313.3.1 NOTIFICATION PROCEDURE

Notification should be made as soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557; Minn. Stat. § 626.5572). To the extent possible, the following should be included in the notification:

a. The identity of the vulnerable adult and any caregiver
b. The nature and extent of the suspected maltreatment
c. Any evidence of previous maltreatment
d. The name and addresses of the person initiating the report or other witnesses

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e. The time, date, and location of the incident
f. Any other information that might be helpful in investigating the suspected maltreatment

If notification of maltreatment is first made to the West Hennepin Public Safety, the member receiving the notification shall complete and forward the intake form to the entity responsible for receiving such reports.

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

a. Conduct interviews in appropriate interview facilities.
b. Be familiar with forensic interview techniques specific to adult abuse investigations.
c. Present all cases of alleged adult abuse to the prosecutor for review.
d. Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
e. Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
f. Participate in or coordinate with multidisciplinary investigative teams as applicable (Minn. Stat. § 626.5571).

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. Investigations should be initiated a soon as possible, but in all cases within 24 hours (Minn. Stat. § 626.557).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

a. The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
b. Any relevant statements the victim may have made and to whom he/she made the statements.
c. If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
d. Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
e. Whether the victim was transported for medical treatment or a medical examination.
f. Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
g. Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
h. Previous addresses of the victim and suspect.
i. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

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Assigned members shall initiate an investigation of vulnerable adult abuse as soon as possible, but in all cases within 24 hours when there is reason to believe a crime has been committed (Minn. Stat. § 626.557).

313.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact an appropriate protective services agency. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to an appropriate protective services agency or medical facility.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the 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.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

1. Exigent circumstances exist, such as:
    1. A reasonable belief that medical issues of the adult need to be addressed immediately.
    2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

2. A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations supervisor should:

a. Work with professionals from the appropriate agencies, including the applicable adult protective services agency, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
b. Activate any available interagency response when an officer notifies the Investigations supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
c. Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

313.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

a. Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
b. Notify the Investigations supervisor so an interagency response can begin.

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313.10 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

a. Participating in multidisciplinary investigations, as appropriate.
b. Conducting interviews.
c. Availability of therapy services for adults and families.
d. Availability of specialized forensic medical exams.
e. Cultural competence (including interpretive services) related to adult abuse investigations.
f. Availability of victim advocates or other support.

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Discriminatory Harassment

314.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The West Hennepin Public Safety 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.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual’s protected class. It has the effect of interfering with an individual’s work performance or creating a hostile or abusive work environment.

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

314.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person’s sex.

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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 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.

314.3.3 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) and the Minnesota Department of Human Rights.
b. Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

314.4 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 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 the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Director of Public Safety, the Personnel Director, or the WHPS Police Commission Chairman.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, 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.

314.4.1 SUPERVISOR RESPONSIBILITIES

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The responsibilities of supervisors and managers shall include but are not limited to:

a. Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
b. Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
c. Ensuring that their subordinates understand their responsibilities under this policy.
d. Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
e. Making a timely determination regarding the substance of any allegation based upon all available facts.
f. Notifying the Director of Public Safety or the Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

a. Behavior of supervisors and managers should represent the values of the Department and professional standards.
b. False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

314.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Director of Public Safety, the Personnel Director, or the WHPS Police Commission Chairman for further information, direction, or clarification.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the

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member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed,or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Director of Public Safety, the Personnel Director or the WHPS Police Commission Chairman.

314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Director of Public Safety. The outcome of all reports shall be:

a. Approved by the Director of Public Safety, the WHPS Police Commission Chairman, or the Personnel Director, depending on the ranks of the involved parties.
b. Maintained in accordance with the established records retention schedule.

314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

314.7 TRAINING

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All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members 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.

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Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when West Hennepin Public Safety members are required to notify the county social services agency of suspected child abuse.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse (also known as maltreatment of minors) - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (Minn. Stat. § 260E.03; Minn. Stat. § 260E.06).

315.2 POLICY

The West Hennepin Public Safety will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the West Hennepin Public Safety shall notify the county social services agency when they have reason to believe any of the following may have occurred or when someone reports any of the following (Minn. Stat. § 260E.06):

a. A child is being neglected or has been neglected within the preceding three years.
b. A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child's care.
c. A child is being sexually abused, threatened with sexual abuse, or has been sexually abused within the preceding three years by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a position of authority.
d. A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including but not limited to tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 260E.03, subd. 15; Minn. Stat. § 260E. 31).

Notification is mandatory for any acts of neglect, physical abuse, and sexual abuse that constitute a crime, whether or not the suspect had any relationship to or responsibility for the child (Minn. Stat. § 260E.12).

For purposes of notification, physical abuse includes injuries, mental injuries, or injuries that cannot be reasonably explained (e.g., punching, kicking, burning). Sexual abuse includes criminal sexual conduct and prostitution

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offenses. Neglect includes failure to supply a child with necessary clothing, shelter, or medical care. See Minn. Stat. § 260E.03 for full definitions of physical abuse, sexual abuse, and neglect.

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Minn. Stat. § 260E.09):

a. The member tasked with the investigation shall call the county social services agency and report the alleged abuse as soon as possible but always within 24 hours. The time of the call and the name of the person should be documented.
b. Notification, when possible, should include:
    1. The child's current location and whether the child is in immediate danger.
    2. A description of when and where the incident occurred and what happened to the child.
    3. A description of the injuries or present condition of the child.
    4. The names and addresses of the child, parents, or caregivers.
    5. Whether there were any witnesses to the incident and their names.
    6. Any additional information about the child, family, or caregivers that may be helpful.
    7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
    8. Whether there are immediate family, relative, or community resources that would offer protection or support to the child.
c. Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 72 hours, exclusive of weekends and holidays.
d. Approved investigation reports should be forwarded to the county social services agency as soon as practical.
e. When the child abuse occurred at a facility or by a person from a facility that requires a state license or a profession that requires a state license (e.g., foster homes, group homes, day care, educator), notification shall also be made to the agency responsible for licensing the facility or person (Minn. Stat. § 260E.11).

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

a. Conduct interviews in child-appropriate interview facilities.
b. Be familiar with forensic interview techniques specific to child abuse investigations.
c. Present all cases of alleged child abuse to the prosecutor for review.
d. Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
e. Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
f. Participate in or coordinate with multidisciplinary investigative teams as applicable.

315.5 INVESTIGATIONS AND REPORTING

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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).

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county social services agency. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger

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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).

315.6.1 NOTICE TO PARENT OR CUSTODIAN AND CHILD

Whenever an officer takes a child into protective custody, the officer shall notify the parent or custodian and the child (age 10 years or older) that they may request that the child be placed with a relative instead of in a shelter care facility. The officer also shall give the parent or custodian a list, published by the Minnesota Department of Human Services, of names, addresses, and telephone numbers of social services agencies that offer child welfare services. When placement with a relative is requested, the officer will coordinate with the responsible social services agency to ensure the child's safety and well-being in compliance with Minn. Stat. § 260C.181 (Minn. Stat. § 260C.175).

If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the officer has reason to believe the parent or custodian is not able to read 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).

315.6.2 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).

315.7 INTERVIEWS

315.7.1 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

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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.

315.7.2 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.

315.7.3 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. § 260E.22, Subd. 1).

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. When it is possible and substantial child endangerment or sexual abuse is alleged, the interview may take place outside the presence of the alleged offender and prior to any interviews of the alleged offender (Minn. Stat. § 260E.22).

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. § 260E.22).

315.7.4 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. § 260E.22, Subd. 7).

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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. § 260E.22, Subd. 7).

315.7.5 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. § 260E.23):

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.

315.8 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.

315.9 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.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations supervisor should:

a. Work with professionals from the appropriate agencies, including the county social services agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

b. Activate any available interagency response when an officer notifies the Investigations 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.

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c. Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

315.9.2 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. Notify the Investigations supervisor so an interagency response can begin.

315.9.3 SCHOOL NOTIFICATION

If a juvenile is taken into protective custody after being found in an area where methamphetamine was being manufactured or attempted to be manufactured, or where any chemical substances, paraphernalia or waste products related to methamphetamine are stored, the officer who took the juvenile into custody shall notify the chief administrative officer of the juvenile's school (Minn. Stat. § 260C.171, Subd. 6).

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

315.10.1 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 Maintenance and Release Policy (Minn. Stat. § 260E.35).

315.10.2 MULTIDISCIPLINARY INVESTIGATIVE TEAMS

Child mortality review panels, local review teams, and the commissioner of children, youth, and families shall have access to not public data regarding the death or near death of a child. This department shall cooperate fully with any such team and investigation (Minn. Stat. § 260E.39, Subd. 5).

315.10.3 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. § 260E.12; Minn. Stat. § 260E.14, Subd. 5).

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Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an investigation or a family assessment under Chapter 260E (Minn. Stat. § 243.166; Minn. Stat. § 260E. 03).

315.10.4 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. § 260E.01 et seq.).

315.10.5 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.

Firearms will normally be surrendered at the West Hennepin Public Safety; 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 Evidence Room Policy.

315.11 TRAINING

The Training Services should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

a. Participating in multidisciplinary investigations, as appropriate.

b. Conducting forensic interviews.

c. Availability of therapy services for children and families.

d. Availability of specialized forensic medical exams.

e. Cultural competence (including interpretive services) related to child abuse investigations.

f. Availability of victim advocate or guardian ad litem support.

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Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

Endangered - A person the Department has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

a. The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.
b. The person is missing under known dangerous circumstances.
c. The person is missing for more than 30 days.
d. The person is under the age of 21 and at least one other factor is applicable.
e. There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.
f. The person does not have a pattern of running away or disappearing.
g. The person is mentally impaired.
h. The person has been diagnosed with dementia, a traumatic brain injury, Alzheimer's disease, or other cognitive impairments.
i. The person has been diagnosed with autism.
j. There is evidence that a non-custodial parent may have abducted the person.
k. The person has been the subject of past threats or acts of violence.
l. There is evidence that the person is lost in the wilderness, backcountry, or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.
m. Any other factor the Department deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, and the Minnesota Crime Alert Network.

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316.2 POLICY

The West Hennepin Public Safety does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

316.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

1. Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.
2. Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.
3. Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).
4. Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.

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5. Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.
6. Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).
7. Broadcast an "Attempt to Locate" (ATL) or similar alert if the person is under 18 years of age or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.
8. Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.
9. Ensure that entries are made into the appropriate missing person networks:
    1. Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).
    2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
10. Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
11. Collect and/or review:
    1. A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
    2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
    3. Any documents that may assist in the investigation, such as court orders regarding custody.
    4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
12. When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
13. Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
14. Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
    1. The primary agency has limited resources.
    2. The investigation crosses jurisdictional lines.
    3. Jurisdictions have pre-established task forces or investigative teams.

316.5.1 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base located at a reasonable distance from the crime scene. Staff and assign the responsibilities for command post supervisor, media specialist, search coordinator, investigative coordinator, communication officer and support unit coordinator. Provide two liaison officers (one at the command post and one at the crime scene). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and the crime should consider various elements, including:

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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. Compiling a list of known sex offenders in the region.
c. In cases of infant abduction, investigating claims of home births made in the area.
d. In cases involving children, obtaining child protective agency records for reports of child abuse.
e. Reviewing records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
f. Obtaining the missing person's medical and dental records, fingerprints and a biological sample when practicable or within 30 days.
g. Creating a missing person profile with detailed information obtained from records and interviews with family and friends, describing the missing person's heath, relationships, personality, problems, life experiences, plans, equipment, etc.
h. Interviewing delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.
i. Determining if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:
    1. Investigative resources (e.g., search and rescue).
    2. Interpretive resources.
    3. Telephone services, such as traps, traces and triangulation.
    4. Media assistance from local and national sources.
j. Using secure electronic communication information, such as the missing person's cellular telephone number, e-mail address and information from social networking sites.
k. Appointing an officer to communicate with the family/reporting party or their designee. The officer will be the primary point of contact for the family/reporting party or their designee, and should provide contact information and the family information packet (if available) to the family/reporting party or their designee.
l. Providing general information to the family/reporting party or their designee about the handling of the missing person case or about any intended efforts, only to the extent that disclosure would not adversely affect the department's ability to locate or protect the missing person or to apprehend or criminally prosecute any person in connection to the case.

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

1. Reviewing and approving missing person reports upon receipt.
    1. The reports should be promptly sent to the Records Center.
2. Ensuring resources are deployed as appropriate.
3. Initiating a command post as needed.

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4. Ensuring applicable notifications and public alerts are made and documented.
5. Ensuring that records have been entered into the appropriate missing persons networks.
6. Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
    1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.6.2 RECORDS CENTER RESPONSIBILITIES

The responsibilities of the Records Center receiving member shall include, but are not limited to:

a. As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person’s residence in cases where the missing person is a resident of another jurisdiction.
b. Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
c. Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person’s intended or possible destination, if known.
d. Forwarding a copy of the report to the Investigations.
e. Coordinating with the NCIC Terminal Contractor for Minnesota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 INVESTIGATIONS FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

a. Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
    1. The notice shall be in writing and should also include a photograph.
    2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
b. Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
c. Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).
d. Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat. § 299C.535(a)):
    1. Biological samples from family members and, if possible, from the missing person
    2. Dental information and X-rays
    3. Additional photographs and video that may aid the investigation or identification

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4. Fingerprints
5. Any other specific identifying information

e. Should consider contacting other agencies involved in the case to determine if any additional information is available.
f. Shall verify and update the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
g. Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
h. Should consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:
    1. Developing a profile of the possible abductor.
    2. Using a truth verification device for parents, spouse, and other key individuals.
    3. Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, reinterviewing key individuals and reexamining all physical evidence collected.
    4. Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest identified in the investigation.
    5. Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, Internet or credit card activity.
    6. Developing a timeline and other visual exhibits.
    7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
    8. Arranging for periodic media coverage.
    9. Considering the use of rewards and crime-stoppers programs.
    10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.
i. Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
j. Should make appropriate inquiry with the Medical Examiner.
k. Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
l. Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. § 299C.54), and enter the photograph into applicable missing person networks (34 USC § 41308).
m. In the case of an endangered missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.8 WHEN A MISSING PERSON IS FOUND

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When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

a. Notification is made to BCA.
b. A missing child's school is notified.
c. Entries are made in the applicable missing person networks (Minn. Stat. § 299C.53, Subd. 2).
d. When a child is endangered, the fact that the child has been found shall be reported within 24 hours to BCA.
e. Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 PERSONS FOUND ALIVE

Additional responsibilities related to missing persons who are found alive include:

a. Verifying that the located person is the reported missing person.
b. If appropriate, arranging for a comprehensive physical examination of the victim.
c. Conducting a careful interview of the person, documenting the results of the interview and involving all appropriate agencies.
d. Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be given this information.
e. Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
f. Performing a constructive post-case critique. Reassessing the procedures used and updating the Department policy and procedures as appropriate.

316.8.2 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

a. Obtain a complete description of the person.
b. Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
c. Use available resources, such as those related to missing persons, to identify the person.

316.8.3 DECEASED PERSONS

If a deceased person has been identified as a missing person, the Investigations 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).

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Additional investigation responsibilities include the following:

a. Secure the crime scene if this department has jurisdiction.
b. Contact the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
c. Collect and preserve any evidence at the scene.
d. Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
e. Cancel alerts and remove the case from NCIC and other information systems; remove posters and other publications from circulation.
f. Perform a constructive post-case critique. Reassess the procedures used and update the department policy and procedures as appropriate.

316.9 CASE CLOSURE

The Investigations supervisor may authorize the closure of a missing person case after considering the following:

a. Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
b. If the missing person is a resident of West Hennepin Public Safety or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
c. If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
d. A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

a. The initial investigation:
    1. Assessments and interviews
    2. Use of current resources, such as Mobile Audio Video (MAV)
    3. Confirming missing status and custody status of minors
    4. Evaluating the need for a heightened response
    5. Identifying the zone of safety based on chronological age and developmental stage
b. Briefing of department members at the scene.
c. Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
d. Verifying the accuracy of all descriptive information.

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e. Initiating a neighborhood investigation.
f. Investigating any relevant recent family dynamics.
g. Addressing conflicting information.
h. Key investigative and coordination steps.
i. Managing a missing person case.
j. Additional resources and specialized services.
k. Update procedures for case information and descriptions.
l. Preserving scenes.
m. Internet and technology issues (e.g., Internet use, cell phone use).
n. Media relations.

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Public Alerts

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the West Hennepin Public Safety should notify their supervisor, Shift Sergeant or Investigations 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.

317.3.2 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 Director of Public Safety, the appropriate Sergeant and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

a. Updating alerts

b. Canceling alerts

c. Ensuring all appropriate reports are completed

d. Preparing an after-action evaluation of the investigation to be forwarded to the Sergeant

317.4 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

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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).

317.4.1 CRITERIA

Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

The criteria for issuance of an Amber Alert are as follows:

a. A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.

b. There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be requested if there is no information to distribute.

317.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, Records Center personnel shall enter the child's name and other critical data into the National Crime Information Center (NCIC), with appropriate flags.

If the AMBER Alert criteria is met, the supervisor, Shift Sergeant or Investigations supervisor will notify the Operations Center at the BCA. The BCA will determine whether an AMBER Alert will be issued and, if so, will activate the Minnesota Emergency Alert System (EAS) through the Minnesota Department of Public Safety (DPS) Division of Homeland Security and Emergency Management (HSEM).

BCA will manage press notifications through the EAS.

As additional information becomes available, the BCA shall be apprised and they will disseminate the information, as appropriate.

When the child is found, or the alert should be cancelled for other reasons, the Investigations supervisor shall immediately notify BCA with the pertinent information.

317.5 MINNESOTA CRIME ALERT NETWORK (MCAN)

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, the supervisor shall issue a missing person alert through MCAN to notify the public and request information on the case (Minn. Stat. § 299C.53). Law enforcement agencies, businesses, schools, and community members participate in the network.

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317.5.1 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.

317.5.2 PROCEDURE

If a supervisor determines that an MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information (Minn. Stat. § 299C.53).

The Public Information Officer should prepare a press release that includes all available information that might strengthen the assistance by the public or other law enforcement agencies. It should be updated with additional information as it becomes available and useful. All media releases should be coordinated with the BCA. In the event of a confirmed child abduction, whether or not an AMBER Alert or MCAN alert is activated, procedures designed to inform the media should be followed. Initial information to release may include but is not limited to:

a. The nature of the crime that has occurred.
b. The victim's identity, age, and description, if relevant.
c. Photograph if available.
d. The suspect's identity, age, and description, if known.
e. Pertinent vehicle description.
f. Detail regarding location of incident, direction of travel, and potential destinations, if known.
g. Whether there is reason to believe the suspect has a relationship to the victim.
h. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison.
i. A telephone number for the public to call with leads or information.

As additional information pertinent to the case becomes available, it shall be forwarded to the BCA.

317.6 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer.

317.6.1 CRITERIA

The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

1. A law enforcement officer has been killed, seriously injured or is missing while in the line of duty under circumstances evidencing concern for the officer’s safety.
2. The investigating law enforcement agency has determined that:
    1. The suspect poses a serious risk to the public or other law enforcement personnel.
    2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

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3. A description of the offender, the offender’s vehicle (including license plate or partial license plate) is available for broadcast.

317.6.2 PROCEDURE

The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.

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Victim and Witness Assistance

318.1 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.

318.2 POLICY

The West Hennepin Public Safety is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the West Hennepin Public Safety will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Director of Public Safety should appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the West Hennepin Public Safety regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall assist the Minnesota Crime Victims Reimbursement Board in performing its duties and ensure that the Records Center forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171 or Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

The crime victim liaison will also (Minn. Stat. § 611A.27):

a. Serve for a sexual assault victim or a sexual assault victim's written designee as the liaison between the West Hennepin Public Safety and a forensic laboratory.
b. Facilitate requests for information made by a sexual assault victim or written designee.
c. Provide an appropriate response to a victim's request for investigative data within 30 days.
d. Develop a procedure allowing a sexual assault victim to request that the sexual assault examination kit be submitted to a forensic laboratory if the victim had not previously authorized such submission.

The crime victim liaison or the authorized designee, in consultation with the Investigation Division Sergeant, should establish procedures for receiving requests for assistance in applying for U visa or T visa status, and make those procedures available to victims. The procedures should provide for responses to these requests to be made in compliance with applicable law and as set forth in the Immigration Violations Policy and applicable law (Minn. Stat. § 611A.95).

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318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

318.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

a. Shelters and other community resources for victims, including domestic abuse and sexual assault victims.
b. Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
c. An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
d. A clear explanation of relevant court orders and how they can be obtained.
e. Information regarding available compensation for qualifying victims of crime.
f. VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
g. Notice regarding U visa and T visa application processes.
h. Resources available for victims of identity theft.
i. A place for the officer's name, badge number, and any applicable case or incident number.
j. Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:
    1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
    2. Offender release notification (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
    3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
    4. Victim and specific domestic abuse victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)
k. A notice that a decision to arrest is the officer's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.
l. Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reimbursement (Minn. Stat. § 611A.66).

318.6 WITNESSES

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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

319.1 PURPOSE AND SCOPE

The West Hennepin Public Safety 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.

319.1.1 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).

319.2 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, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

319.3 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.

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.

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f. The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. 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 victims of any suspected hate or prejudice crime with the brochure on hate and prejudice crimes authorized by the Department. Such brochures will also be available to members of the public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

h. The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or City Attorney.

319.4 INVESTIGATIONS RESPONSIBILITIES

If a case is assigned to the Investigations, 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 victims and other involved individuals as needed.

c. Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

319.4.1 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 Manager or assigned to the Investigations (Minn. Stat. § 626.5531, Subd. 2).

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

a. The date of the offense.

b. The location of the offense.

c. Whether the target of the incident was a person, private property or public property.

d. The crime committed.

e. The type of bias and information about the offender and the victim that is relevant to that bias.

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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.

319.4.2 FEDERAL HATE CRIME REPORTING

The Records Manager 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 Center procedures and in compliance with (28 USC § 534 (a)).

319.5 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd. 1 and Subd. 4).

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Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the West Hennepin Public Safety and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.1.1 STANDARDS OF CONDUCT FOR PEACE OFFICERS

The West Hennepin Public Safety adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this department.

MN POST Professional Conduct of Peace Officers Model Policy.pdf

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law.

The Department shall report to POST any data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

320.2 POLICY

The continued employment or appointment of every member of the West Hennepin Public Safety shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or

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civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

a. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
b. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
c. Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
d. The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

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

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient department service.

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320.5.1 LAWS, RULES AND ORDERS

a. Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
b. Disobedience of any legal directive or order issued by any department member of a higher rank.
c. Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

a. Using or disclosing one’s status as a member of the West Hennepin Public Safety in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
b. The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
c. The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
d. Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
e. Offer or acceptance of a bribe or gratuity.
f. Misappropriation or misuse of public funds, property, personnel or services.
g. Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

a. Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
b. Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
c. Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
d. Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
e. Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.
f. Supporting or participating in the activities of a hate or extremist group (Minn. Stat. § 626.8436).

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320.5.5 ATTENDANCE

a. Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
b. Unexcused or unauthorized absence or tardiness.
c. Excessive absenteeism or abuse of leave privileges.
d. Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

a. Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
b. Disclosing to any unauthorized person any active investigation information.
c. The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Director of Public Safety or the authorized designee.
d. Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
e. Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

320.5.7 EFFICIENCY

a. Neglect of duty.
b. Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
c. Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
d. Unauthorized sleeping during on-duty time or assignments.
e. Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
f. Failure to notify the Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

1. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
2. The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
3. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

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4. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
5. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
6. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
    1. While on department premises.
    2. At any work site, while onduty or while in uniform, or while using any department equipment or system.
    3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
7. Improper political activity including:
    1. Unauthorized attendance while onduty at official legislative or political sessions.
    2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while onduty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Director of Public Safety.
8. Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Director of Public Safety.
9. Any act on or offduty that brings discredit to this department.

320.5.9 CONDUCT

a. Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
b. Unreasonable and unwarranted force to a person encountered or a person under arrest.
c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
d. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
e. Engaging in horseplay that reasonably could result in injury or property damage.
f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
g. Use of obscene, indecent, profane or derogatory language while onduty or in uniform.
h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
i. Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
j. Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

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k. Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
l. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Director of Public Safety of such action.
m. Any other on or offduty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

a. Failure to observe or violating department safety standards or safe working practices.
b. Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
c. Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
d. Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
e. Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
f. Unsafe or improper driving habits or actions in the course of employment or appointment.
g. Any personal action contributing to a preventable traffic collision.
h. Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

a. Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
b. Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
c. Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the West Hennepin Public Safety that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Cybersecurity incident - An action taken through the use of an information system or network that results in an actual or potentially adverse effect on an information system, network, or the information within (Minn. Stat. § 16E. 36, Subd. 1).

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, **permanent file**, or **file** - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

321.2 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

321.3 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Director of Public Safety or the authorized designee.

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No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or

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maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

321.6 POLICY

It is the policy of the West Hennepin Public Safety that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.7 CYBERSECURITY INCIDENTS

The Director of Public Safety or the authorized designee shall report any cybersecurity incident that impacts the Department to the Minnesota Bureau of Criminal Apprehension within 72 hours after an incident has been identified (Minn. Stat. § 16E.36, Subd. 2).

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Report Preparation

322.1 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.

322.1.1 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.

322.2 REQUIRED REPORTING

Reports are required in all of the following situations in the appropriate Department-approved format unless otherwise approved by a supervisor.

322.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

1. All arrests
2. All felony crimes
3. All incidents involving violations of crimes or ordinances motivated by bias (Minn. Stat. § 626.5531)

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4. Non-felony incidents involving threats or stalking behavior
5. Situations covered by separate policy. These include:
    1. Use of Force Policy
    2. Domestic Abuse Policy
    3. Child Abuse Policy
    4. Adult Abuse Policy
    5. Hate or Prejudice Crimes Policy
    6. Suspicious Activity Reports Policy
6. All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

322.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

a. Any time an officer points a firearm at any person
b. Any use of force against any person by a member of this department (see the Use of Force Policy)
c. Any firearm discharge (see the Firearms Policy)
d. Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
e. Any found property or found evidence
f. Any traffic collisions above the minimum reporting level (see the Traffic Collisions Policy)
g. Suspicious incidents that may indicate a potential for crimes against children or that a child’s safety is in jeopardy
h. All protective custody detentions
i. Suspicious incidents that may place the public or others at risk
j. Whenever the employee believes the circumstances should be documented or at the direction of a supervisor
k. Any watercraft collision or accident, drowning death and/or general water accident should be reported on the appropriate Department of Natural Resource Form (Minn. Stat. § 86B.105(a))

322.2.3 DEATH REPORTS

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Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

322.2.4 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.

322.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

a. The injury is a result of a drug overdose.

b. Attempted suicide.

c. The injury is major or serious, whereas death could result.

d. The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

322.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

1. Lost property.
2. Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information or serial number or ability to trace the item.
    1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
3. Misdemeanor vandalism with no suspect information and no hate crime implications.
4. Vehicle burglaries with no suspect information or evidence.
5. Stolen vehicle attempts with no suspect information or evidence.
6. Annoying telephone calls with no suspect information.
7. Identity theft without an identifiable suspect.
8. Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
9. Hit-and-run vehicle collisions with no suspect or suspect vehicle.
10. Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

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322.3 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.

322.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction Form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

322.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the RMS 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 RMS for "Final Close" may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

322.6 ELECTRONIC SIGNATURES

The West Hennepin Public Safety has established an electronic signature procedure for use by all employees of the West Hennepin Public Safety. The Patrol Sergeant shall be responsible for maintaining the electronic signature system, for ensuring that each employee creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

322.7 FIREARM INJURY REPORTING FROM HEALTH PROFESSIONALS

Members receiving a report from a health professional of a bullet or gunshot wound, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall thoroughly investigate the facts surrounding the incident (Minn. Stat. § 626.52, Subd. 2; Minn. Stat. § 626.553, Subd. 1).

The Records Center shall ensure that the report received from the health professional is forwarded to the commissioner of the Department of Health (Minn. Stat. § 626.53, Subd. 2). If the injury resulted from a hunting incident, the Records Center shall ensure that the findings of the investigation are forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).

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Media Relations

323.1 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.

323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Director of Public Safety. However, in situations not warranting immediate notice to the Director of Public Safety and in situations where the Director of Public Safety has given prior approval, Sergeants, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

323.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. 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 Director of Public Safety.

323.3 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.

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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 Public Information Officer or other designated spokesperson.

c. No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

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 Director of Public Safety and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. 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 Public Information Officer.

323.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

323.3.2 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 Director of Public Safety.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Director of Public Safety will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

323.4 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 Shift Sergeant. This log will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82):

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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.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.03).

323.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release Policy and the Personnel Records Policy). When in doubt, authorized and available legal counsel should be obtained.

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Court Appearance and Subpoenas

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the West Hennepin Public Safety to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

West Hennepin Public Safety members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so (Minn. R. Civ. P. 45.02; Minn. R. Crim. P. 22.03).

A court notice from a prosecutor or other government attorney may be served by delivery to the member's workstation or mail box. Members shall check for delivery of such documents during each shift worked.

Subpoenas shall not be accepted in a civil action in which the member or Department is not a party without properly tendered fees pursuant to applicable law (Minn. Stat. § 357.23; Minn. R. Civ. P. 45.03).

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

a. Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
b. Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
c. Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
d. Any civil action stemming from the member's on-duty activity or because of his/her association with the West Hennepin Public Safety.
e. Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the West Hennepin Public Safety.

The supervisor will then notify the Director of Public Safety and the appropriate prosecuting attorney as may be indicated by the case. The Director of Public Safety should determine if additional legal support is necessary.
No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

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The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, in accordance with any collective bargaining agreement.

The Department should seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member.

324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.4.1 ON CALL COMPENSATION

An employee who is placed "On Call" for a court appearance on their regular scheduled days off will receive two hours straight time compensation. The employee will receive two hours straight time for each day "On Call". When the employee is notified by 1800 hrs on the day preceding the "On Call" date that their appearance is not needed will not be eligible for "On Call" compensation. Employees will be notified via email or phone call to cancel the "On Call" status. When a employee is required to make an appearance when "On Call" will be compensated as outlined in 348.4 and will not be eligible for "On Call" compensation.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.6 COURTROOM PROTOCOL

When appearing in court, members shall:

a. Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
b. Dress in the department uniform or business attire.
c. Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

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Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement .

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Outside Agency Assistance

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

325.1.1 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance 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. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

325.2 POLICY

It is the policy of the West Hennepin Public Safety to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant’s office for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76, Subd. 1 exists. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

325.3.1 AGREEMENTS

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The Department may, at the discretion of the Director of Public Safety, establish an agreement with another law enforcement agency to (Minn. Stat. § 626.76, Subd.1):

a. Assist other peace officers in the line of their duty and within the course of their employment.
b. Exchange department peace officers with peace officers of another agency on a temporary basis.

325.3.2 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the West Hennepin Public Safety shall notify his/her supervisor or the Shift Sergeant and Hennepin County Sheriffs Office Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

325.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

325.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Sergeant.

325.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Sergeant or the authorized designee.

The documentation should include:

1. The conditions relative to sharing.
2. The training requirements for:
    1. The use of the supplies and equipment.
    2. The members trained in the use of the supplies and equipment.
3. Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Hennepin County Sheriffs Office Dispatch and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant should maintain documentation that the appropriate members have received the required training.

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Outside Agency Assistance

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Registered Predatory Offender

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the West Hennepin Public Safety 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.

326.2 POLICY

It is the policy of the West Hennepin Public Safety to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

326.3 REGISTRATION

The Investigations supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

326.3.1 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 Minnesota offenses on the BCA’s Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.
c. If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.
d. If the offender is already registered, complete a Change of Information Form (available on the BCA’s secure website).
e. If the offender is not registered, complete a POR Form (available at BCA’s secure website).

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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.
    1. Documents obtained should be submitted to the BCA with a registration form.
    2. The BCA will determine if registration is required and inform the department and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

326.3.2 GUIDELINES AND FORMS

The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

326.3.3 NOTIFICATION TO REGISTRANTS

The registration process established by the Investigations supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

326.4 MONITORING OF REGISTERED OFFENDERS

The Investigations supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

a. Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
b. Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.
c. Contact with a registrant's parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

The Investigations supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to West Hennepin Public Safety personnel who have a need to know, including timely updates regarding new or relocated registrants.

326.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not make a public notification advising the community of a particular registrant's presence in the community without permission from the Director of Public Safety. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Director of Public Safety if warranted. A determination will be made by the Director of Public Safety based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

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The Records Manager shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

326.5.1 MANDATORY DISSEMINATION

The Department shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender's status of a Level 1, 2, or 3.

The Department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility, home care provider, or hospice provider of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving care shall be made by this department (Minn. Stat. § 244.052, Subd. 4c).

The Department shall provide an offender's change of status to the entities and individuals who were initially notified if the Department becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

326.5.2 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document "Confidential Fact Sheet - For Law Enforcement Agency Use Only" or other DOC guidance):

a. Mandatory disclosure:
    1. Victims who have requested disclosure
    2. Adult members of the offender's immediate household
b. Discretionary disclosure:
    1. Other witnesses or victims
    2. Other law enforcement agencies

326.5.3 LEVEL 2 DISCLOSURE

Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (Minn. Stat. § 244.052, Subd. 4) (refer to DOC document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2" or other DOC guidance):

a. In addition to Level 1 disclosure, the Department may disclose data to:
    1. Staff members of public and private educational institutions, day care establishments, and establishments that primarily serve individuals likely to be victimized by the offender.
    2. Individuals likely to be victimized by the offender.
b. Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by the DOC or the Minnesota Department of Human Services (DHS), or Direct Care and Treatment.

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326.5.4 LEVEL 3 DISCLOSURE

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota” or other DOC guidance):

a. The Department shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.
b. The Department shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
c. A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the DOC.
d. The process of notification is determined by this department. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the department's determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

326.5.5 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility, home care provider, or hospice provider in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the DOC 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” or other DOC guidance):

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

326.5.6 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

a. If this department learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Department must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this department whether to proceed with community notification in accordance with the level assigned by the other state.
b. If the DOC determines that the governing law in the other state is not comparable, community notification by this department may be made consistent with that authorized for risk Level 2.

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c. If this department believes that a risk level assessment is needed, the Department may request an end-of-confinement review. The Department shall provide to the DOC the necessary documents required to assess a person for a risk level.

326.5.7 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. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this department when there is a victim who has requested notification (refer to the DOC 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.

326.5.8 HOMELESS NOTIFICATION PROCESS

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Investigations supervisor (Minn. Stat. § 243.166, Subd. 3a).

326.5.9 LIMITATIONS OF RELEASE OF DATA

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).

326.6 DISCLOSURE TO LOCAL WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

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Major Incident Notification

327.1 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.

327.2 POLICY

The West Hennepin Public Safety 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.

327.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Director of Public Safety and the affected Sergeant. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides.
- Traffic collisions with fatalities.
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shootings and Deaths Policy for special notifications).
- Significant injury or death to an employee, whether on- or off-duty.
- Death of a prominent West Hennepin Public Safety official.
- Arrest of Department employee or prominent West Hennepin Public Safety official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.
- Any other incident, which has or is likely to attract significant media attention.

327.4 SERGEANT RESPONSIBILITIES

The Sergeant is responsible for making the appropriate notifications. The Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Sergeant shall attempt to make the notifications as soon as practicable.

327.4.1 INVESTIGATOR NOTIFICATION

If the incident requires that an officer or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

327.4.2 SERGEANT OR DIRECTOR NOTIFICATION

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In the event of a traffic fatality or major injury, the Director of Public Safety or Sergeant shall be notified.

327.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Director of Public Safety or designee will act as Public Information Officer.

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Death Investigation

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations and the use of appropriate resources and evidence gathering techniques is critical.

328.2 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 the death is obvious. A supervisor shall be notified in all death investigations.

328.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes, including, but not limited to (Minn. Stat. § 390.11):

a. Unnatural deaths, including violent deaths arising from homicide, suicide or accident.

b. Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.

c. Unexplained or unexpected perinatal and postpartum maternal deaths.

d. Deaths under suspicious, unusual or unexpected circumstances.

e. Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.

f. Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.

g. Deaths that occur during, in association with or as the result of diagnostic, therapeutic or anesthetic procedures.

h. Deaths due to culpable neglect.

i. Stillbirths of 20 weeks or longer gestation unattended by a physician.

j. Sudden deaths of persons not affected by recognizable disease.

k. Unexpected deaths of persons notwithstanding a history of underlying disease.

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l. Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.

m. Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.

n. Deaths of persons not seen by their physician within 120 days of demise.

o. Deaths of persons occurring in an emergency department.

p. Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is a history or evidence of maternal trauma.

q. Unexpected deaths of children.

r. Solid organ donors.

s. Unidentified bodies.

t. Skeletonized remains.

u. Unexpected deaths occurring within 24 hours of arrival at a health care facility.

v. Deaths associated with the decedent's employment.

w. Deaths of non-registered hospice patients or patients in non-licensed hospice programs.

x. Deaths attributable to acts of terrorism.

328.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a dead body (Minn. Stat. § 390.221).

An officer shall make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for information identifying the individual as an organ donor or as an individual who made a refusal. If a donor document is located, the Medical Examiner shall be promptly notified (Minn. Stat. § 525A.12).

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.

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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.

328.2.3 DEATH NOTIFICATION

When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

This department shall immediately notify the state fire marshal, Hennepin County Fire Investigation Team, and West Hennepin Public Safety's Public Safety Director or Patrol Sergeant when a human death results from a fire, (Minn. Stat. § 299F.04 Subd. 5 (b)).

328.2.4 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.

328.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, any information or items pertaining to identifying features of the unidentified body, dental records, fingerprints, any unusual physical characteristics, description of clothing or personal belongings found on or with the body, that are in the possession of WHPS shall be forwarded to the Medical Examiner for transmission to the BCA for eventual entry into systems designed to assist in the identification process, such as the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) files (Minn. Stat. § 390.25 Subd. 2 (a)).

328.2.6 SUSPECTED HOMICIDE

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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 Division shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Administrative Assistant or Investigations 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).

328.2.7 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, should ensure that the nearest office of the Minnesota Department of Labor and Industry is notified with all pertinent information.

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Identity Theft

329.1 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.

329.2 REPORTING

1. A report shall be taken any time a person living within the jurisdiction of the West Hennepin Public Safety reports that he/she has been a victim of identity theft (Minn. Stat. § 609.527, Subd. 5). This includes:
    1. Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
    2. Providing the victim with department information, as set forth in the Victim and Witness Assistance Policy. Officers should encourage the individual to review the material, and assist with any questions.
2. A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in West Hennepin Public Safety to facilitate the crime).
3. 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).
4. 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.
5. 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.

329.2.1 NCIC IDENTITY THEFT RECORD

Before entry in the Identity Theft File, our law enforcement agency must have received and recorded an official complaint (electronic or hard copy). Our agency may make an NCIC Identity Theft record entry only if the following criteria is met:

1. Someone is using a means of identification of the victim.
2. The victim's identity is being used without permission from the victim.
3. The victim's identity is being used or intended to be used to commit an unlawful activity.
4. Before record entry, the victim must sign a consent waiver.
5. If the record contains the victim's Social Security Number, the victim must sign the "*Notice about Providing Your Social Security Number*" form.

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Information on deceased persons may be entered into the file if it is deemed by the law enforcement that the victim's information has been stolen. No consent form is required with a deceased person's entry.

329.2.2 FILE ENTRY

1. Enter and pack the record with all available information into MNHOT/NCIC using Message Key Enter Identity Theft (EID).
2. Query MNHOT/NCIC to verify entry and retain a copy for the case file.
3. Complete a second party check per agency policy.
4. Validate the record according to NCIC standards. Retain any updated documentation used during validation in the case file.

329.3 PREVENTATIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report as allowed by law (Minn. Stat. § 13C.016 Subd. 2). A victim may also access the Minnesota Attorney General's office for additional detailed information.

329.4 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. These completed forms should be submitted to the Records Center for appropriate filing and entry into the NCIC Identity Theft File. Forms and details are available on the Bureau of Criminal Apprehension identity theft website.

329.5 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 or by telephone. Additional information may be found at the U.S. Department of Justice (USDOJ) website.

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Private Persons Arrests

330.1 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).

330.2 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).

330.3 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).

330.4 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

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reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

b. Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.

2. Release the individual upon a misdemeanor citation or pending formal charges.

330.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a written statement form. If the person fails or refuses to do so the arrest subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the Private Person'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

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations. This includes individuals who, because of difficulty in speaking or comprehending the English language, cannot fully understand any charges made against them, the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

Qualified bilingual member - A member of the West Hennepin Public Safety, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

331.2 POLICY

It is the policy of the West Hennepin Public Safety to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

331.3 FOUR-FACTOR ANALYSIS

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Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

a. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

b. The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

c. The nature and importance of the contact, program, information or service provided.

d. The cost of providing LEP assistance and the resources available.

331.4 TYPES OF LEP ASSISTANCE AVAILABLE

West Hennepin Public Safety members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

331.5 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

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a. The competence and ability to communicate information accurately in both English and in the target language.

b. Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

c. The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

d. Knowledge of the ethical issues involved when acting as a language conduit.

331.5.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

331.5.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

331.6 CONTACT AND REPORTING

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While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

331.7 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The West Hennepin Public Safety will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

331.8 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

331.9 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter

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- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

331.10 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.10.1 OTHER TIMING AND NOTIFICATION MANDATES

The investigating or arresting officer shall immediately make necessary contacts to get an authorized interpreter for an in-custody LEP person at the earliest possible time in order to assist the person throughout the interrogation or taking of a statement. This applies even when the interrogation will be conducted by a bilingual member (Minn. Stat. § 611.32).

The following shall be explained to the LEP person with the assistance of the authorized interpreter (Minn. Stat. § 611.32):

a. All charges filed against the person

b. All procedures relating to the person's detainment and release

c. In the case of any seizure under the provisions of the Asset Forfeiture Policy:

    1. The possible consequences of the seizure

    2. The person's right to judicial review

331.11 TRAINING

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To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Pupil Arrest Reporting

332.1 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.

332.2 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 Center notifies the chief administrative officer of the school, or an appropriate designee, of the pupil's arrest.

If there is probable cause to believe an incident involved alcohol or a controlled substance, the arresting officer shall complete the appropriate form and submit the form with the report to the Records Center. The Records Center 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).

332.2.1 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.

332.2.2 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.

332.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and where the pupil will be taken.

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Biological Samples

333.1 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.

333.2 POLICY

The West Hennepin Public Safety 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.

333.3 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).

333.4 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.

333.4.1 COLLECTION

The following steps should be taken to collect a sample:

a. Verify that the individual is required to provide a sample pursuant to Minn. Stat. § 609.117.

b. Verify that a biological sample has not been previously collected from the offender by querying the person’s criminal history. There is no need to obtain a biological sample if one has been previously obtained.

c. Use the designated collection kit provided by the Minnesota Bureau of Criminal Apprehension to perform the collection and take steps to avoid cross contamination.

333.5 USE OF FORCE TO OBTAIN SAMPLES

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If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

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.

333.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

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Chaplains

334.1 PURPOSE AND SCOPE

The West Hennepin Public Safety partners with LAKE MINNETONKA AREA CHIEFS CHAPLAIN program is established for the purposes of providing spiritual and emotional support to all members of the Lake Minnetonka area police and fire department, their families and members of the public.

334.2 POLICY

It is the policy of this department that the Lake Minnetonka Area Chiefs Chaplain Program shall be a nondenominational, ecumenical ministry provided by volunteer clergy without financial compensation.

334.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

a. Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs and excessive debt.
b. Managing their households, families and personal affairs well.
c. Having a good reputation in the community.
d. Successful completion of an appropriate-level background investigation.
e. A minimum of five years of successful counseling experience.
f. Possession of a valid driver’s license.

The Director of Public Safety may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

334.4 REQUIREMENTS

Candidates for the Lake Minnetonka Area Chiefs 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 have at least five years of successful ministry experience within a recognized faith community.

c. Membership in good standing with the International Conference of Police Chaplains (ICPC).

d. Employed by an organization in the lake area faith community, serving in the area of pastoral ministry. Minimum of six months

e. Ability to deal with crisis situations

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f. Ability to maintain confidentiality and non-biased attitude

g. Available 24 hours a day when on call

h. Willing to commit to four hours per month. Willing to ride the week you are on call. Every six weeks.

334.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

334.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

a. Submit the appropriate written application.
b. Include a recommendation from employers or volunteer programs.
c. Interview with the Director of Public Safety and the chaplain coordinator.
d. Successfully complete an appropriate-level background investigation.
e. Complete an appropriate probationary period as designated by the Director of Public Safety.

Chaplains are volunteers and serve at the discretion of the Director of Public Safety. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Director of Public Safety or the authorized designee.

334.5 CHAPLAIN COORDINATOR

The Director of Public Safety shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Director of Public Safety. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Director of Public Safety or the authorized designee chaplains shall report to the chaplain coordinator and/or Shift Sergeant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

a. Recruiting, selecting and training qualified chaplains.
b. Conducting chaplain meetings.

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c. Establishing and maintaining a chaplain callout roster.
d. Maintaining records for each chaplain.
e. Tracking and evaluating the contribution of chaplains.
f. Maintaining a record of chaplain schedules and work hours.
g. Completing and disseminating, as appropriate, all necessary paperwork and information.
h. Planning periodic recognition events.
i. Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

334.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the West Hennepin Public Safety.

334.6.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

334.6.2 ASSISTING DEPARTMENT/OFFICE MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

a. Assisting in making notification to families of members who have been seriously injured or killed and after notification responding to the hospital or home of the member.
b. Visiting sick or injured members in the hospital or at home.
c. Attending and participating, when requested, in funerals of active or retired members.
d. Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
e. Providing counseling and support for members and their families.
f. Being alert to the needs of members and their families.

334.6.3 ASSISTING THE DEPARTMENT/OFFICE

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The responsibilities of a chaplain related to this department include, but are not limited to:

a. Assisting members in the diffusion of a conflict or incident when requested.
b. Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Department.
c. Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
d. Being on-call and, if reasonably possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
e. Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
f. Participating in in-service training classes.
g. Willingness to train others to enhance the effectiveness of the Department.

334.6.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

a. Fostering familiarity with the role of law enforcement in the community.
b. Providing an additional link between the community, other chaplain coordinators and the Department.
c. Providing liaison with various civic, business and religious organizations.
d. Promptly facilitating requests for representatives or leaders of various denominations.
e. Assisting the community in any other function as needed or requested.
f. Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

334.6.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

334.7 OPERATIONAL GUIDELINES

a. Generally, each chaplain will serve with West Hennepin Public Safety personnel a minimum of four hours per month.
b. Chaplains shall be permitted to ride with officers during any shift and observe West Hennepin Public Safety operations.
c. Chaplains shall not be evaluators of employees.
d. In responding to incidents, a chaplain shall never function as an officer.
e. When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.
f. Chaplains shall serve only within the jurisdiction designated by the Lake Minnetonka Area Chiefs committee.

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g. 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.

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Child and Dependent Adult Safety

335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse and Adult Abuse.

335.2 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 West Hennepin Public Safety will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

335.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

a. Inquire about and confirm the location of any children or dependent adults.

b. Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

c. Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her 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 child or dependent adult that he/she will receive appropriate care.

335.3.1 AFTER AN ARREST

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Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

1. Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
2. 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 that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
3. Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
4. Notify the county social services agency, if appropriate.
5. Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting 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 documented in the associated report.

335.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

335.3.3 REPORTING

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a. For all arrests where children are present or living in the household, the reporting employee will document the following information:

    1. Name
    2. Sex
    3. Age
    4. Special needs (e.g., medical, mental health)
    5. How, where and with whom or which agency the child was placed
    6. Identities and contact information for other potential caregivers
    7. Notifications made to other adults (e.g., schools, relatives)

b. For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

    1. Name
    2. Sex
    3. Age
    4. Whether he/she reasonably appears able to care for him/herself
    5. Disposition or placement information if he/she is unable to care for him/herself

335.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

335.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175).

Only when other reasonable options are exhausted should a 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.

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335.5 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 receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

336.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Minn. Stat. § 363A.19 (c)).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

336.2 POLICY

It is the policy of the West Hennepin Public Safety to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service dog (Minn. Stat. § 256C.02).

336.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the West Hennepin Public Safety affords to all members of the public (28 CFR 35.136; Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.

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- 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.

336.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

336.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

336.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

336.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are

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required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Reserve and Volunteer Program

337.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers to staff the West Hennepin Public Safety Reserve Unit. The Reserve unit will be assigned specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

337.1.1 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.

337.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an West Hennepin Public Safety volunteer or reserve program include:

a. At least 19 years of age for all positions other than Explorer.

b. At least 14 years of age for Explorer.

c. A valid driver's license.

d. Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

e. No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.

f. No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.

g. The applicant must not have any mental illness or chemical dependency condition that may adversely affects the person's ability to serve in the position.

h. Physical requirements reasonably appropriate to the assignment.

i. A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

j. Service oriented attitude, ability to follow written and oral instructions and articulate.

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k. Courteous and tactful manner in dealing with other employees and general public in person and over the telephone.

l. Ability to maintain composure under pressure

The Director of Public Safety may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

337.2 VOLUNTEER MANAGEMENT

337.2.1 VOLUNTEER COORDINATOR

The function of the Reserve and 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 and 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 reserve member.

c. Tracking and evaluating the contribution of reserve member.

d. Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all reserves.

e. Maintaining a record of reserve 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 reserve -utilizing programs in the community and assisting in community-wide efforts to recognize and promote WHPS Reserve Program..

337.2.2 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 Reserve Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in

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the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Reserve Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

337.2.3 SCREENING

All prospective volunteers should complete the volunteer or reserve application form. The Reserve 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).

337.2.4 SELECTION AND PLACEMENT

Service as a reserve or volunteer shall begin with an official notice of acceptance or appointment to the reserve or volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Director of Public Safety or designee. No reserve or 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 reserve or volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Department. All reserves shall receive a copy of the reserve handbook.

Reserves and volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

337.2.5 TRAINING

Reserves 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.

Reserves 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 Reserve Coordinator.

Depending on the assignment, Training may include:

a. Role of the Reserve Officer.

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b. Department policies.

c. Training specific to the procedure manual for the Reserve Officer position.

d. Discrimination and harassment training.

e. CPR/first aid.

f. CERT/Citizens Emergency Response Training.

g. Search and rescue techniques.

h. Scenario-based searching methods.

i. Evidence preservation.

j. Basic traffic direction and control.

k. Roadway incursion safety.

l. Self-defense techniques.

m. Vehicle operations, including specialized vehicles.

Pursuant to Minn. Stat. § 626.8466, the Department may establish training, licensing and continuing education requirements for its reserve officers.

Training should reinforce to reserve officer 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 reserve officers 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.

337.2.6 FITNESS FOR DUTY

No reserve officer or volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by medication, illness, injury or any use of alcohol or illegal substance. .

Reserve officer or 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

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c. Arrests

d. Criminal investigations

e. All law enforcement contacts

All reserve officer or volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

337.2.7 DRESS CODE

As representatives of the Department, reserve officers and volunteers are responsible for presenting a professional image to the community. Reserve Officers and volunteers shall dress appropriately for the conditions and performance of their duties.

Reserve Officers and volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for reserve officers should be readily distinguishable from those worn by licensed officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Reserve officers shall be required to return any issued uniform or department property at the termination of service.

337.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

a. Take the time to introduce volunteers to employees on all levels.

b. Ensure volunteers have work space and necessary office supplies.

c. Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

337.4 DATA PRACTICES

With appropriate security clearance, reserve officers 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

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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 reserve officer 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 reserve officer is grounds for immediate dismissal and possible criminal prosecution.

Reserve officers or 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.

337.5 PROPERTY AND EQUIPMENT

Reserve officers and volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a reserve officer or volunteer shall remain the property of the Department and shall be returned at the termination of service.

337.5.1 VEHICLE USE

Reserve officer assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

a. A driving safety briefing.

b. Verification that the reserve officer possesses a valid driver's license.

c. Has been authorized by the Resereve Cordinator or Director of Public Safety or his designee.

The Reserve Officer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, reserve officers shall obey all rules of the road, including seat belt requirements.

Reseerve officers may operate a marked patrol car for maintenance purposes only, operated during a POST-approved skills course, being used to transports prisoners or equipment or is being used to provide supplementary assistance under the direction of an on-duty licensed officer (Minn. Stat. 169.98 Subd. 1 b. Volunteers are not authorized to operate a Department vehicle under emergency conditions (lights and siren).

337.5.2 RADIO AND MDC USAGE

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Reserve officers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Reserve Coordinator should ensure that radio and database access training is provided for reserve officers whenever necessary.

337.6 DISCIPLINARY PROCEDURES/TERMINATION

A reserve officer or volunteer may be removed from the respective program at the discretion of the Director of Public Safety or the Reserve Officer Coordinator. Reserve officers or volunteers shall have no property interests in their continued appointment.

Reserve officers may resign from this department at any time. It is requested that reserve officer or volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

337.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with reserve officers and volunteers who are leaving their positions. The interview should ascertain why the reserve officer or volunteer is leaving the position and solicit the reserve officer or 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.

337.7 EVALUATION

An evaluation of the overall reserve officer and volunteer program will be conducted on an annual basis by the Reseerve Officer Coordinator. Regular evaluations should be conducted with reserve officers 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 reserve officer.

337.8 EMERGENCY CALLOUT FOR VOLUNTEER PERSONNEL

The Reserve Officer Coordinator shall develop a plan outlining an emergency callout procedure for reserve officer personnel.

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Native American Graves Protection and Repatriation

338.1 PURPOSE AND SCOPE

This policy is intended to 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 et seq.).

338.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

338.2 POLICY

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It is the policy of the West Hennepin Public Safety that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

338.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated 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 10.5).

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. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - State archaeologist (Minn. Stat. § 307.08, Subd. 7)
- Tribal land - Responsible Indian tribal official

338.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

338.5 BURIAL GROUNDS

All human burials, human remains and human burial grounds shall be afforded equal treatment and respect for human dignity, regardless of 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).

338.6 KNOWN LOCATION OF BURIAL GROUNDS

It has been determined that in the wooded area located northeastof Hwy 12 and Halgren Rd is a known area of Indian Burial Grounds.

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Native American Graves Protection and Repatriation

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Off-Duty Law Enforcement Actions

339.1 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 West Hennepin Public Safety with respect taking law enforcement action while off-duty.

339.2 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 the member reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat. See the Use of Force Policy for additional guidance.

339.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer’s senses or judgment.

339.4 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.

d. The lack of cover.

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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.

339.4.1 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 West Hennepin Public Safety officer until acknowledged. Official identification should also be displayed.

339.4.2 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.

339.4.3 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.

339.4.4 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.

339.5 REPORTING

Any officer taking any off-duty law enforcement action shall notify an West Hennepin Public Safety supervisor (or other applicable enforcement authority if acting outside the jurisdiction of the West Hennepin Public Safety) as soon as pracitcal. A report shall 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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Department Use of Social Media

340.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

340.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

340.2 POLICY

The West Hennepin Public Safety may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

340.3 AUTHORIZED USERS

Only members authorized by the Director of Public Safety or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Director of Public Safety may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

340.4 AUTHORIZED CONTENT

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Only content that is appropriate for public release, that supports the department mission, and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

a. Announcements.
b. Tips and information related to crime prevention.
c. Investigative requests for information.
d. Requests that ask the community to engage in projects that are relevant to the department mission.
e. Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
f. Traffic information.
g. Media releases.
h. Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

340.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

340.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

a. Content that is abusive, discriminatory, inflammatory or sexually explicit.
b. Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
c. Any information that could compromise an ongoing investigation.
d. Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the West Hennepin Public Safety or its members.
e. Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
f. Any content posted for personal use.
g. Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Department’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

340.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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The Department may provide a method for members of the public to contact department members directly.

340.6 MONITORING CONTENT

The Director of Public Safety will appoint a supervisor to review the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

340.7 RETENTION OF RECORDS

The Administration Sergeant should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

340.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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ADA Compliance

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to West Hennepin Public Safety services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

342.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Director of Public Safety to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the West Hennepin Public Safety and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. This includes those who, because of a hearing, speech, or other communication disorder, cannot fully understand any charges made against them or the seizure of their property, or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31). Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

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Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

342.2 POLICY

It is the policy of the West Hennepin Public Safety that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

342.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

a. Collaborating with the City ADA coordinator regarding the West Hennepin Public Safety's efforts to provide equal access to services, programs, and activities.
    1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
b. Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:
    1. Inspection of current department facilities to identify access issues.
    2. Review of current department services, activities, and programs for access issues.
    3. Assessment and update, if necessary, of current compliance measures.
    4. Identification of recurring areas of complaint for which new methods of modification should be considered.
    5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
    6. Recommendation of a schedule to implement needed improvements.
c. Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.
d. Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.
    1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.
e. Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.
f. Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

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g. Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).
h. Collaborating with other city/county departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
i. Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).
j. Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
k. Recommending amendments to this policy as needed.

342.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

342.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

a. Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
    1. A substantial alteration of the service, program, or activity.
    2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
    3. A threat to or the destruction of the historic significance of a historic property.

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4. A direct threat to the health or safety of others (28 CFR 35.139).

b. If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.
c. Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
    1. Reassigning services, programs, or activities to accessible buildings or facilities.
    2. Utilizing technology, equipment, rolling stock, or other conveyances.
    3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
    4. Any other means or methods that would make services, programs, or activities readily accessible.
d. If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

342.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

342.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

342.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

1. The methods of communication usually used by the individual.
2. The nature, length, and complexity of the communication involved.
3. The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person

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who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

342.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

342.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

342.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying.

The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

a. Available within a reasonable amount of time.
b. Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
c. Familiar with the use of text- and video-based communications products and systems.
d. Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
e. Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
f. Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

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342.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

342.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

342.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

342.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

342.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

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Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

342.6.1 STATE REQUIREMENTS

The investigating or arresting officer shall immediately make necessary contacts to get a qualified interpreter for a person in custody at the earliest possible time (Minn. Stat. § 611.32).

The following shall be explained with the assistance of the qualified interpreter (Minn. Stat. § 611.32):

a. All charges filed against the person
b. All procedures relating to the person's detainment and release
c. In the case of any seizure under the Asset Forfeiture Policy:
    1. The possible consequences of the seizure
    2. The person's right to judicial review

Every qualified interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody deaf or hard of hearing person (Minn. Stat. § 611.33):

"I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

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"I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

342.8 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

342.9 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

342.10 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

a. The type of modification, assistive device, auxiliary aid, or service provided.
b. Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.
c. Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

342.11 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and

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promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

342.12 TRAINING

Members should receive periodic training on ADA compliance, to include:

a. Awareness and understanding of this policy, related procedures, forms, and available resources.
b. Procedures for handling requests for modifications.
c. Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
d. General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Sergeant should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

342.12.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

a. The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
b. ASL syntax and accepted abbreviations.
c. Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
d. Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all Hennepin County Sheriffs Office Dispatch members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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Extreme Risk Protection Orders

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders and accounting for firearms obtained pursuant to those orders.

343.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 624.7171):

Extreme risk protection order (ERPO) - An order prohibiting a named person from possessing or purchasing prohibited items.

Prohibited items - Firearms that are prohibited by an ERPO.

343.2 POLICY

It is the policy of the West Hennepin PS to petition for and serve ERPOs in compliance with state law, and to properly account for prohibited items obtained by the Department pursuant to such orders.

343.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes that an ERPO is appropriate should detail their reasons in a report and forward it to Investigations for review. The Detective will review the report and determine whether a petition will be filed. If the Detective is unavailable, the officer may submit a petition with supervisor approval.

343.3.1 STANDARDS

Extreme risk protection orders may be appropriate if a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm (Minn. Stat. § 624.7171, Subd. 4).

If a person poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm, and presents an immediate and present danger of either bodily harm to others or of taking their life, an ERPO may be appropriate (Minn. Stat. § 624.7174).

343.3.2 REQUIREMENTS OF PETITION

An application for an ERPO should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (Minn. Stat. § 624.7171).

343.4 SERVICE OF ORDERS

Officers should serve a copy of an ERPO, along with any accompanying notice of hearing and petition, affidavit, as applicable, on the person named in the order as soon as reasonably practicable (Minn. Stat. § 624.7172).

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Service of ERPOs should take precedence over the service of other orders, except for orders of a similar emergency nature.

343.4.1 SAFETY CONSIDERATIONS

Upon receipt of an ERPO, the Sergeant or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

At least two officers should be present when an ERPO is being served.

343.4.2 SURRENDER OF PROHIBITED ITEMS

Officers serving an ERPO should request that the named person immediately surrender all prohibited items as required by the order and take custody of any items surrendered pursuant to the order (Minn. Stat. § 624.7172; Minn. Stat. § 624.7175).

The officer serving the ERPO should prepare a receipt identifying all surrendered items and a copy of the receipt should be given to the person. The officers should ensure the original receipt is included in the original case report and forwarded to the Property and Evidence Specialist as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Procedures policy.

343.4.3 SEARCH WARRANTS

Officers should consider whether a search warrant may be reasonably necessary prior to attempting service of an ERPO.

Officers should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if an officer serving an ERPO reasonably believes there are prohibited items within the persons custody, control, or possession that have not been surrendered.

343.5 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in thge department's custody pursuant to an ERPO should be referred to the Property and Evidence Specialist.

343.6 EXTENSION OF EXTREME RISK PROTECTION ORDER

The Sergeant is responsible for the review of any ERPO obtained by the Department to determine if renewal or extension of the order should be requested within the time prescribed by law (Minn. Stat. § 624.7172; Minn. Stat. § 624.7173).

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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 West Hennepin Public Safety, 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 division within the Department, as well as other government agencies.

h. The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

i. Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the West Hennepin Public Safety 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 or Field Interview (FI). The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigations Supervisor in a timely fashion.

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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 West Hennepin Public Safety.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit will be the central unit for information exchange. West Hennepin Public Safety will particpate with regional crime analysis groups to effectivly share information on crime trends ect. Hennepin County Sheriffs office CISA and Tri- County are examples of these crime analysis groups.

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 investigations for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

All employees are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through emails, posting on RMS home page or other acceptable communication methods.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the officers room and will be available for review by all officers. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, 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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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the West Hennepin Public Safety 's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

This also includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471).

401.2 POLICY

The West Hennepin Public Safety is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

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

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401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 INFORMATION TO BE PROVIDED

Officers shall (Minn. Stat. § 626.8471, Subd. 3):

a. Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise officer or public safety.
b. Attempt to answer questions the person may have regarding the contact, including relevant referrals to other agencies when appropriate.
c. Explain the reason for the contact if it is determined the reasonable suspicion was unfounded.
d. When requested, provide their name and badge number and identify this department during routine stops.
e. When requested, officers should inform a member of the public of the process to file a misconduct complaint for bias-based policing against a member of the Department, and that bias-based policing complaints may be made by calling the Attorney General's office (Minn. Stat. § 626.9514).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

1. Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
    1. Supervisors should document these discussions in the prescribed manner.
2. Supervisors should periodically review Mobile Audio Video (MAV) recordings, body-worn camera (BWC) media, Mobile Digital Computer (MDC) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
    1. Supervisors should document these periodic reviews.
    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
3. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
4. Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Patrol Sergeant should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Director of Public Safety. The report should also

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include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Director of Public Safety to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

a. Explicit and implicit biases.
b. Avoiding improper profiling.

401.7.1 ADDITIONAL TRAINING REQUIREMENTS

The Training Sergeant should ensure that Board of Peace Officer Standards and Training (POST) approved in-service training is provided to officers on recognizing and valuing community diversity and cultural differences, including implicit bias, as required by Minn. Stat. § 626.8469, Subd. 1.

The Director of Public Safety and supervisors should receive and review training materials prepared by POST on how to detect and respond to racial profiling (Minn. Stat. § 626.8471, Subd. 7).

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Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the West Hennepin Public Safety to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

a. Broadcast emergency information, including requests for additional assistance and resources.
b. Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
c. Locate or identify suspects and determine whether dangerous suspects are still within the area.
d. Provide first aid to injured parties if it can be done safely.
e. Evacuate the location safely as required or appropriate.
f. Secure the inner perimeter.
g. Protect items of apparent evidentiary value.
h. Secure an outer perimeter.
i. Identify potential witnesses.
j. Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no

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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 additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

402.6 EXECUTION OF HEALTH ORDERS

Any licensed member of this department may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Minn. Stat. § 144.4195, Subd. 2(c)).

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Lake Minnetonka SWAT Team

403.1 PURPOSE AND SCOPE

The Lake Minnetonka SWAT Team (SWAT) is comprised of several member departments in the Lake Minnetonka Emergency Management group. The unit 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.

403.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Lake Minnetonka SWAT Team (SWAT) 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.

403.1.2 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, mental health crisis,both search and arrest, where public and officer safety issues warrant the use of such a unit.

403.2 POLICY

It is the policy of this department to particapate in Lake MinnetonkaSWAT 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.

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403.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or designee.

403.2.2 ORGANIZATIONAL PROCEDURES

The Lake Minnetonka SWAT Teamshall 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.

403.2.3 OPERATIONAL PROCEDURES

The Lake Minnetonka SWAT Teamshall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SWAT team 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.

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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.
        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.

403.3 TRAINING NEEDS ASSESSMENT

The SWAT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

403.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved Basic SWAT Course or its equivalent.

a. To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

403.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team leads and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

403.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

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Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT/ERU command personnel should attend a department-approved SWAT commander or tactical commander course or its equivalent.

403.3.4 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 twice each year. A minimum qualifying score must be attained by each team member.
b. Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
c. Those members who are on vacation, ill or are on limited duty status with a medical provider’s note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
d. Yearly each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require the officer to seek remedial training from a Fire Arms Instructor approved by the SWAT commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
e. Yearly each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from aFire Arms Instructorapproved by the SWAT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

403.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

403.3.6 SCENARIO-BASED TRAINING

SWAT team 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.

403.3.7 TRAINING DOCUMENTATION

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Individual and team training shall be documented and records maintained by the SWAT Commander. Such documentation shall be maintained in each agency member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

403.4 UNIFORMS, EQUIPMENT AND FIREARMS

403.4.1 UNIFORMS

Lake Minnetonka SWAT Team members~~members~~ 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.

403.4.2 EQUIPMENT

Lake Minnetonka SWAT Team members from this department should be adequately equipped to meet the specific mission(s) identified by the Lake Minnetonka Regional SWAT team..

403.4.3 FIREARMS

Weapons and equipment used by SWAT Team, the specialized units and the supporting resources should be Department-issued or approved, including any modifications, additions or attachments.

403.4.4 OPERATIONAL READINESS INSPECTION

The commander of the SWAT shall appoint a SWAT team lead to perform an operational readiness inspection of all unit equipment at least quarterly. The results of the inspection will be forwarded to the SWAT commander. The inspections will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicles.

403.5 MANAGEMENT/SUPERVISION OF EMERGENCY RESPONSE UNIT

The commander of the SWAT Team shall be selected by the executive board of the Lake Minnetonka SWAT Team.

403.5.1 TEAM SUPERVISORS

The Crisis Negotiation Team and each SWAT team will be supervised by a sergeant.

The team leads shall be selected by the Excutive Boad of the Regional group and the SWAT Commander.

The following represent the supervisor responsibilities for the Lake Minnetonka SWAT Team.

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 lead'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.

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403.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies. The SWAT Team will request appropriate Crisis Negotiation Team.

403.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Lake Minnetonka 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.

403.7.1 SELECTION OF PERSONNEL

Interested licensed personnel who are off probation and with three years of law enforcement experience, shall submit a letter of interest to their departments command staffto interviewed as a potential member of the SWAT Team. A copy of which will be forwarded to the SWATCommander and 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 SWATCommander. The testing process will consist of an oral board, physical agility test, and a SWAT basic handgun and team evaluation.

a. Oral board: The oral board will consist of personnel selected by the SWATCommander. 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 Fitness Committee. 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. A minimum qualifying score of 90% shall be obtained at the annual qualification SWAT Team shoot.
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.

403.7.2 TEAM EVALUATION

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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.

403.8 OPERATIONAL GUIDELINES FOR EMERGENCY RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Emergency Response Unit. Generally, the SWAT team will be started without an intial reqest of a Crisis Negotiation Team unless it is immediately recognized by command staff at the scene. 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.

403.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Lake Minnetonka SWAT Team should respond. Upon final determination he/she will notify the SWAT Commander. The jurisdiction of the event the CLEO shall be notified.

403.8.2 APPROPRIATE SITUATIONS FOR USE OF EMERGENCY RESPONSE UNIT

The following are examples of incidents that may result in the activation of the Lake Minnetonka SWAT Team:

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.

403.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Sergeant or Director of Public Safety. Deployment of the Lake Minnetonka SWAT Team in response to a requests by other agencies must be authorized by a Sergeant or Director of Public Safety.

403.8.4 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 Lake Minnetonka SWAT team shall operate under the policies, procedures and command of the Lake Minnetonka SWAT team or their respective police agencywhen working in a multi-agency situation.

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403.8.5 MOBILIZATION OF EMERGENCY RESPONSE UNIT

The on-scene supervisor shall make a request to the Shift Sergeant or Director of Pulblic Safety for the SWAT Team to respond. The Shift Sergeant shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Shift Sergeant's office by the SWAT Commander. The Shift Sergeant will then notify the Patrol Sergeant as soon as practicable.

The Shift Sergeant should advise the SWAT Commander with as much of the following information as is available at the time:

a. The number of suspects, known weapons and resources.
b. If the suspect is in control of hostages.
c. If the suspect is barricaded.
d. The type of crime involved.
e. If the suspect has threatened or attempted suicide.
f. The location and safe approach to the command post.
g. The extent of any perimeter and the number of officers involved.
h. Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The SWATCommander or supervisor shall then call Hennepin County Dipatch to request SWAT members to respond.

403.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Lake Minnetonka SWAT Team, 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 Team 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.

403.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Lake Minnetonka SWAT Team, 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 Lake Minnetonka SWAT Team. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident

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Commander shall continue supervision of the command post operation, outer perimeter security and support for the Lake Minnetonka SWAT Team. The Incident Commander and the SWAT Commander or designee shall maintain communications at all times.

403.8.8 COMMUNICATION WITH EMERGENCY RESPONSE UNIT PERSONNEL

All of those persons who are non-Lake Minnetonka SWAT personnel should refrain from any non-emergency contact or from interference with any member of the team during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with ERU personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team sergeant or designee.

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Ride-Along Policy

404.1 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.

404.1.1 ELIGIBILITY

The West Hennepin Public Safety 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 lawsuit against the Department.
- Denial by any supervisor.

404.1.2 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. Exceptions to this schedule may be made as approved by the Director of Public Safety or Sergeant.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Administrative Assistant. The participant will complete and sign a ride-along application and waiver of liability form. Information requested will include a valid driver's license, address and telephone number. A background check, including criminal history, will be completed on the applicant to help in determining approval. Prior to being approved for a ride-along, the applicant must review and sign the CJIS Security and Privacy Training-Basic User document.

The Administrative Assistant will schedule a date, based on availability. Officers will be notified of the ride-along and will be provided the application packet for completion at the end of the ride-along.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

404.2.1 PROGRAM REQUIREMENTS

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Once approved, civilian ride-alongs 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 approval of the Shift Sergeant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Under no circumstances will more than one ride-along will be allowed in the officer's vehicle at a given time.

404.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Sergeant or assigned officer may refuse a ride-along to anyone not properly dressed.

404.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ride-along is not an employee of the West Hennepin Public Safety).

404.3 OFFICER'S RESPONSIBILITIES

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.

The Administrative Assistantis responsible for maintaining, scheduling ride-alongs and completing an incident report in RMS. Upon completion of the ride-along, a copy of the ride-along waiver form shall be scanned into the incident report and any comments by the officer.

404.4 CONTROL OF RIDE-ALONG

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Ride-Along Policy

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 if the ride-along interferes with the performance of the officer's duties.

d. The officer may terminate the ride-along and return the observer to their home or to the station if the ride-along interferes with the performance of any officer's duties.

e. Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

f. Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

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

405.1 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.

405.1.1 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.

405.2 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.

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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.

405.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to their Sergeant. 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.

405.3.1 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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Hostage and Barricade Incidents

406.1 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.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

406.2 POLICY

It is the policy of the West Hennepin Public Safety 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.

406.3 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.

406.3.1 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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406.4 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.

406.4.1 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 Public 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.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- Coordinate pursuit or surveillance vehicles and control of travel routes.
- Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 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 ERU response if appropriate and apprising the ERU Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

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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 Hennepin County Sheriffs Office Dispatch.

i. Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy

j. Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

k. Debrief personnel and review documentation as appropriate.

406.6 CRISIS RESPONSE UNIT

It will be the Incident Commander’s decision, with input from the ERU Commander, whether to deploy the ERU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the ERU 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 ERU. The Incident Commander and the ERU Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the West Hennepin Public Safety 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.

407.2 POLICY

It is the policy of the West Hennepin Public Safety to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 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 Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 WEST HENNEPIN PUBLIC SAFETY FACILITY

If the bomb threat is against the West Hennepin Public Safety facility, the Shift Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the West Hennepin Public Safety 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 Shift Sergeant deems appropriate.

407.4.3 FEDERAL BUILDING OR PROPERTY

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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.

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.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of West Hennepin Public Safety, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

1. The location of the facility.
2. The nature of the threat.
3. Whether the type and detonation time of the device is known.
4. Whether the facility is occupied, and if so, the number of occupants currently on-scene.
5. Whether the individual is requesting police assistance at the facility.
6. 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 Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Shift Sergeant should be notified when police assistance is requested. The Shift Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Sergeant determine that the Department will assist or control such an incident, he/she will determine:

1. The appropriate level of assistance.
2. The plan for assistance.
3. Whether to evacuate and/or search the facility.
4. Whether to involve facility staff in the search or evacuation of the building.

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1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

5. 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.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

1. No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
2. The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
3. 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
4. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
5. The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
6. A safe access route should be provided for support personnel and equipment.
7. Search the area for secondary devices as appropriate and based upon available resources.
8. Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
9. Promptly relay available information to the Shift Sergeant 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.

407.7 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.

407.7.1 CONSIDERATIONS

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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.

407.7.2 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
- Shift Sergeant
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.7.3 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.

407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Sergeant should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Civil Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual in protective custody and request an emergency hold under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.051).

408.2 POLICY

It is the policy of the West Hennepin Public Safety to protect the public and individuals through legal and appropriate use of the emergency hold process.

408.3 AUTHORITY

An officer, having probable cause to believe that any individual because of mental illness, chemical dependency, or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to an appropriate treatment facility for an emergency hold evaluation (Minn. Stat. § 253B.051, Subd. 1).

The officer shall make written application for admission of the individual to an appropriate treatment facility. The application shall contain the officer's reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable. The officer shall also provide the department contact information for purposes of receiving notice if the individual is released prior to emergency holdadmission or leaves the facility without consent. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.051, Subd. 1).

408.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an emergency hold, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

a. Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to the Minnesota Commitment and Treatment Act.
b. If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the application for an emergency hold, if appropriate.
c. Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergency hold should consider, as time and circumstances reasonably permit:

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a. Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
b. Community or neighborhood mediation services.
c. Conflict resolution and de-escalation techniques.
d. Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

408.5 TRANSPORTATION

When transporting any individual for an emergency hold, the transporting officer should have Hennepin County Sheriffs Office Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

408.5.1 TYPE OF TRANSPORTATION

When transporting any individual on a Minn. Stat. § 253B.051 admission, and if reasonably practicable, officers should not be in uniform and should not use a vehicle visibly marked as a law enforcement vehicle (Minn. Stat. § 253B.051, Subd. 1(e)).

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for an emergency hold and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

408.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

408.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of an emergency hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

a. Arrest the individual when there is probable cause to do so.
b. Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergencyhold.
c. Facilitate the individual's transfer to jail.
d. Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency hold.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

408.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for an emergency hold, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

408.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergency holds and crisis intervention.

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Cite and Release Policy

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the West Hennepin Public Safety with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

This policy also provides guidance on when a court orders that a person be released.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

409.2 POLICY

The West Hennepin Public Safety will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

409.3 RELEASE

A suspected offender shall be released on issuance of a citation:

1. When the offender has been arrested without a warrant and either a prosecutor or district court judge orders that the offender should be released (Minn. R. Crim. P. 4.02; Minn. R. Crim. P. 6.01).
    1. Release is not required if a reviewing supervisor determines that the offender should be held pursuant to Minn. R. Crim. P. 6.01 Subd. 1.
2. When the offender is charged with a petty or fine-only misdemeanor (Minn. R. Crim. P. 6.01).
3. In misdemeanor cases unless it reasonably appears to the arresting officer that the offender will (Minn. R. Crim. P. 6.01):
    1. Cause bodily injury to him/herself or another if he/she is not detained.
    2. Continue engaging in criminal conduct.
    3. Not respond to a citation.
4. When the offender is from another state which has a reciprocal agreement with Minnesota unless the offense is (Minn. Stat. § 169.91):
    1. One which would result in the revocation of the offender’s driver’s license under Minnesota law upon conviction.
    2. A violation of a highway weight limitation.
    3. A violation of a law governing the transportation of hazardous materials.
    4. That the offender was driving without a valid driver’s license.

409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

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2. The offender is arrested for a violation of state law or an ordinance related to the operation or registration of a vehicle punishable as a misdemeanor or felony and (Minn. Stat. § 169.91):
    1. The offender demands an immediate appearance before a judge.
    2. The offender is charged with:
        1. An offense involving an accident that resulted in injury or death.
        2. Criminal vehicular homicide.
        3. Failure to stop after being involved in an accident that resulted in death, personal injuries or damage to property.
    3. There is reasonable cause to believe that the offender may leave the state.

See the Domestic Abuse Policy for release restrictions related to those investigations.

409.5 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES

In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, officers should release the offender unless there is reason to believe that criminal conduct will continue or that the offender will not respond as required by the citation (Minn. Stat. § 97A.211).

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Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the West Hennepin Public Safety extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The West Hennepin Public Safety respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

a. Notify a supervisor.
b. Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
c. Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
d. Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
e. Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

1. Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

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2. All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
3. An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
    1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
4. The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
    1. Diplomatic-level staff of missions to international organizations and recognized family members
    2. Diplomatic agents and recognized family members
    3. Members of administrative and technical staff of a diplomatic mission and recognized family members
    4. Career consular officers, unless the person is the subject of a felony warrant
5. The following persons may generally be detained and arrested:
    1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
    2. Support staff of missions to international organizations.
    3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
    4. Honorary consular officers.

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
						Same as

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Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)

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Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

a. This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
b. Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
c. A small number of senior officers are entitled to be treated identically to diplomatic agents.
d. Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

411.2 POLICY

The West Hennepin Public Safety will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

a. Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

b. Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

c. Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

d. Whether the suspect can be contained or denied access to victims.

e. Whether the officers have the ability to effectively communicate with other personnel or resources.

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f. Whether planned tactics can be effectively deployed.

g. The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.4 CONSIDERATIONS

When dealing with a crisis situation members should:

a. Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
b. Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
c. Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
d. Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.5 PLANNING

The Patrol Sergeant should coordinate critical incident planning. Planning efforts should consider:

a. Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
b. Availability of building plans and venue schematics of likely critical incident target sites.
c. Communications interoperability with other law enforcement and emergency service agencies.
d. Training opportunities in critical incident target sites, including joint training with site occupants.
e. Evacuation routes in critical incident target sites.
f. Patrol first-response training.
g. Response coordination and resources of emergency medical and fire services.
h. Equipment needs.
i. Mutual aid agreements with other agencies.
j. Coordination with private security providers in critical incident target sites.

411.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

a. Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
b. Communications interoperability with other law enforcement and emergency service agencies.
c. Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

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d. First aid, including gunshot trauma.
e. Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the West Hennepin Public Safety relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the West Hennepin Public Safety that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Minnesota constitutions.

412.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

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An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

412.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

1. Confirm that the detained person's immigration status was properly verified.
2. Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:
    1. Transfer to federal authorities.
    2. Lawful arrest for a criminal offense or warrant.

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a county jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

412.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

412.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

a. Sending information to, or requesting or receiving such information from federal immigration officials
b. Maintaining such information in department records
c. Exchanging such information with any other federal, state, or local government entity

412.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations supervisor assigned to oversee the handling of any related case. The Investigations supervisor should:

1. Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
2. Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
3. Address the request and complete the certification or declaration, if appropriate, in a timely manner.
    1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
4. Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

412.9 TRAINING

The Training Sergeant should ensure officers receive training on this policy.

Training should include:

a. Identifying civil versus criminal immigration violations.
b. Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Emergency Utility Service

413.1 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.

413.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by Hennepin County Sheriffs Office Dispatch.

413.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

413.1.3 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.

413.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by West Hennepin Public Safety and Hennepin County Sheriffs Office Dispatch.

413.2 TRAFFIC SIGNAL MAINTENANCE

The Traffic Signal are maintained by the Minnesota Department of Transportation (Mn/DOT) or Hennepin County Maintenance depending on jurisdiction in which the traffic signal installed.

413.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise Hennepin County Sheriffs Office 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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Aircraft Crashes

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

414.2 POLICY

It is the policy of the West Hennepin Public Safety to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

a. Protect persons and property.
b. Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
c. Preserve ground scars and marks made by the aircraft.
d. Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
e. Maintain a record of persons who enter the accident site.
f. Consider implementation of an Incident Command System (ICS).

414.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

414.5 NOTIFICATIONS

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When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

a. Fire department
b. Appropriate airport tower
c. Emergency medical services (EMS)

414.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

a. FAA.
b. Fire department, EMS or other assisting law enforcement agencies.
c. Medical Examiner.
d. Air Carrier/Operators investigative teams with NTSB approval.
e. Appropriate branch of the military, when applicable.
f. Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

414.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

a. Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
b. Pressure vessels, compressed gas bottles, accumulators and tires.
c. Fluids, batteries, flares and igniters.
d. Evacuation chutes, ballistic parachute systems and composite materials.

414.8 DOCUMENTATION

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All aircraft accidents occurring within the City of West Hennepin Public Safety shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of WHPS members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

414.8.1 WRECKAGE

When reasonably safe, members should:

1. Obtain the aircraft registration number (N number) and note the type of aircraft.
2. Attempt to ascertain the number of casualties.
3. Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
    1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
4. Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
5. Acquire copies of any recordings from security cameras that may have captured the incident.

414.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

a. The location of the witness at the time of his/her observation relative to the accident site.
b. A detailed description of what was observed or heard.
c. Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
d. The names of all persons reporting the accident, even if not yet interviewed.
e. Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

414.9 MEDIA RELATIONS

The Public Information Officer ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The [PIO] should coordinate with other involved entities before the release of information.

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Field Training Officer Program

415.1 POLICY

It is the policy of the West Hennepin PS that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

415.1.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures, and operations of the West Hennepin PS. The policy addresses the administration of field training and the selection, supervision, training, and responsibilities of the Field Training Officer (FTO).

415.2 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.

415.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

a. Desire to be an FTO.
b. Minimum of three years of patrol experience, two of which shall be with this department.
c. Demonstrated ability as a positive role model.
d. Participate in an internal selection process.
e. Evaluation by supervisors.
f. Obtain an FTO certificate of completion from a Minnesota POST Board-approved course.

415.2.2 CONTINUED TRAINING

All FTOs must complete a POST-approved FTO update course every three years while assigned to the position of FTO, when training is available.

415.3 FIELD TRAINING OFFICER INCENTIVE

To qualify for FTO incentive, the shift must be a minimum of eight (8) hours. Field Training Officers (FTO's) may receive two (2) hours of Straight Comp Time for each FTO shift worked. Comp Time is subject to policy 1018.1.3. In lieu of two (2) hours of Straight Comp Time as compensation, the FTO may elect to be compensated with one and one-half (1.5) hours of overtime pay for each qualifying FTO shift.

415.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be the Sergeant.

The responsibilities of the FTO Program Supervisor include the following:

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a. Assignment of trainees to FTOs.
b. Conduct FTO meetings.
c. Maintain and ensure FTO/trainee performance evaluations are completed.
d. Maintain, update, and issue the Field Training Manual to each trainee.
e. Monitor individual FTO performance.
f. Monitor the overall FTO Program.
g. Develop ongoing training for FTOs.

415.5 REQUIRED TRAINING

Entry-level officers shall be required to successfully complete the Field Training Program. A Field Training Program for new officers should consist of a minimum of 160 hours.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

415.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of their Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the West Hennepin PS. The officer shall become knowledgeable of the subject matter as outlined. They 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 West Hennepin PS. The Field Training Manual should include standardized guidelines used by FTOs to evaluate a new officer's performance.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

a. Completing and submitting a written evaluation on the performance of the assigned trainee to the Field Training Supervisor on a daily basis.
b. Reviewing the Daily Observation Reports 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.

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d. Signing off all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

415.6.2 FIELD TRAINING SUPERVISOR

The Field Training Supervisor will review and approve the Daily Observation Reports submitted by the FTO.

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 forwarded to the Director of Public Safety for review and approval.

415.6.3 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.

415.7 DOCUMENTATION

All documentation of the trainee's field training will be retained in the officer's training files and will consist of the following:

a. Daily Observation Reports.
b. End of phase evaluations.
c. A memorandum outlining completion, certifying that the trainee has successfully completed the required number of hours of field training.

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Obtaining Air Support

416.1 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.

416.2 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.

416.2.1 REQUESTING ASSISTANCE

After consideration for air support, the Sergeant or officer in charge will call the closest agency having air support available. The requesting person will apprise that agency of the specific details of the incident prompting the request.

416.2.2 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 or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

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Contacts and Temporary Detentions

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MVR) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the [officer_deputy], the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

417.2 POLICY

The West Hennepin Public Safety respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

417.3 FIELD INTERVIEWS

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Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the West Hennepin Public Safety to strengthen community involvement, community awareness, and problem identification.

417.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

a. Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
b. Actions suggesting that he/she is engaged in a criminal activity.
c. Presence in an area at an inappropriate hour of the day or night.
d. Presence in a particular area is suspicious.
e. Carrying of suspicious objects or items.
f. Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
g. Location in proximate time and place to an alleged crime.
h. Physical description or clothing worn that matches a suspect in a recent crime.
i. Prior criminal record or involvement in criminal activity as known by the officer.

417.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

a. The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
b. Where more than one suspect must be handled by a single officer.
c. The hour of the day and the location or area where the stop takes place.
d. Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
e. The actions and demeanor of the suspect.
f. Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

417.5 FIELD PHOTOGRAPHS

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All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

417.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

417.5.2 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 reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

417.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other documentation 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 Shift Sergeant should review and forward the photograph to one of the following locations:

a. If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
b. Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Center.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

417.5.4 SUPERVISOR RESPONSIBILITIES

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While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Field photographs shall be classified as law enforcement data under Minn. Stat. § 13.82, and shall be collected, maintained, and disseminated consistent with the Minnesota Government Data Practices Act. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

417.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

a. Identifying all persons present at the scene and in the immediate area.
    1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
    2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to 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 members.
    1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

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Criminal Organizations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the West Hennepin Public Safety appropriately utilizes criminal intelligence systems and temporary information filesto support investigations of criminal organizations and enterprises.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

418.2 POLICY

The West Hennepin Public Safety recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

418.3 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

418.3.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

a. Must only be included upon documented authorization of the responsible department supervisor.

b. Should not be originals that would ordinarily be retained by the Records Center or Evidence Room, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, Hennepin County Sheriffs Office Dispatch records or booking forms.

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c. Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

d. May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

418.3.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

418.4 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

a. Gang indicia associated with a person or residence.

b. Information related to a drug-trafficking operation.

c. Vandalism indicating an animus for a particular group.

d. Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

418.5 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile’s name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

418.6 TRAINING

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The Sergeant or designee should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

a. The protection of civil liberties.

b. Participation in a multi-agency criminal intelligence system.

c. Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

d. The type of information appropriate for entry into a criminal intelligence system or temporary information file.

e. The review and purging of temporary information files.

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Mobile Video Recorders

419.1 PURPOSE AND SCOPE

The West Hennepin Public Safety has equipped marked patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist officers in the performance of their duties. The purpose of this policy is to provide department members with guidelines for the use, management, access, storage, retrieval and retention of audio-visual media recorded by the MVR system.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Video Recorder (MVR) - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder, and monitor.

Law Enforcement Operator (LEO) - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the Department who is 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.

MVR technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods and storage and retrieval methods, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

419.2 POLICY

It is the policy of the West Hennepin Public Safety to use mobile video recorder (MVR) technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

419.3 MOBILE VIDEO RECORDER OBJECTIVES

West Hennepin Public Safety Department has adopted the use of the MVR's to accomplish the following objectives:

a. To enhance officer safety
b. To document statements and events during the course of an incident
c. To enhance the Officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation

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d. To preserve audio and visual information for use in current and future investigations
e. To provide a tool for self-critique and field evaluation during Officer training
f. To enhance the public trust by preserving factual representation and interactions between Officers and citizens in the form of audio/video recordings
g. To assist with the defense of civil actions against law enforcement officers and West Hennepin Public Safety Department
h. To assist with training and evaluation of Officers

419.4 OFFICER RESPONSIBILITIES

Officers who are in a squad equipped with an MVR will activate the MVR consistent with this policy. Prior to going into service each officer will ensure that all assigned MVR equipment is working properly. If the MVR is not working properly officers should change squads with a working MVR and notify the shift supervisor. Each officer should have adequate recording media for the entire duty assignment.

At the start of each shift, officerswill confirm the MVR system operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name and the current date/ time accuracy. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

During their shift, officers will follow the established policies and procedures for documenting, classifying and retaining any recorded media.

Damage to, loss or theft of MVR equipment shall immediately be reported to the shift supervisor or command staff.

419.5 ACTIVATION OF THE MVR

The MVR system may be activated manually or automatically whenever the squad's emergency lights are activated or when the vehicle speed reaches 90 mph. Other automatic triggers to event recording may be activated at the discretion of the Police Administration.

419.5.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the 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 the location of the camera. However the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR.

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At no time is an Officer expected to compromise Officer safety in order to activate an MVR; however, the MVR system should be activated in the following situations as soon as practicable:

a. All field contacts involving actual or potential criminal conduct within video or audio range:
    1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
    2. Emergency vehicle responses
    3. Vehicle pursuits
    4. Suspicious vehicles
    5. Arrests
    6. Vehicle searches
    7. Physical or verbal confrontations or use of force
    8. Use of Force
    9. Prisoner or Non-custody transports
    10. Subject Stops of Pedestrian
    11. DWI investigations including field sobriety tests
    12. Taking a statement from a witness or suspect
    13. Crimes in progress or responding to an in-progress call
    14. When ordered by a supervisor
    15. Medical incidents attended to by members of the Department
    16. Any situation or incident that the Officer, through training and experience, beleives should be audibly and/or visually recorded
b. All self-initiated activity in which an officer would normally notify Hennepin County Sheriffs Office Dispatch
c. Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect
d. Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
e. Any other circumstance where the officer believes that a recording of an incident would be appropriate

Officers are required to notify those being recorded by the MVR whenever asked by the subject being recorded.

Department members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the department member that such privacy may outweigh any legitimate law enforcement interest in the recording.

419.5.2 CESSATION OF RECORDING

a. Once activated the MVR system should remain on continuously until the officer's direct participation in the incident is complete or the situation no longer fits the activation. 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.
b. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

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c. Recording may be temporarily ceased to exchange information with other Officers. In such instances officers may actively record video and mute the audio portion of the MVR.
d. Cessation of the MVR may also occur at the direction of a supervisor
e. Department members will cease recording of any body worn devices when entering the Hennepin County Jail

419.5.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required:

a. When exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.
b. No member of this department may surreptitiously use department equipment to record a conversation of any other member of this department except with a court order or when lawfully authorized by the Director of Public Safety or the authorized designee for the purpose of conducting a criminal or administrative investigation.
c. During encounters with undercover Officers or informants
d. In any location where a reasonable expectation of privacy exists, such as a restroom, locker room or break room

419.5.4 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 notification of Hennepin County Sheriffs Office Dispatch.

Supervisors should ensure Officers are using their MVR equipment per policy

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 supervisor, MVR technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media. Copies may be distributed to investigators as appropriate to the investigation.

Supervisors may activate the MVR system remotely to monitor a developing situation such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event.

419.6 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.

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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 department MVR technician or forensic media staff. When reasonably possible a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

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 department investigators, after approval of a supervisor, who are participating in an official investigation such as a personnel complaint, administrative inquiry or a criminal investigation
f. By department personnel who request to review recordings
g. By an officer who is captured on or referenced in the video or audio data and reviews and uses the data for any purpose relating to his/her employment
h. By court personnel through proper process or with permission of the Director of Public Safety or the authorized designee
i. By the media through proper process or with an MGDPA request (Minn. Stat. § 13.01 et seq.)
j. To assess possible training value
k. Recordings may be shown for staff or public safety training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Employees desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Shift Sergeant. Approved requests should be forwarded to the MVR technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

419.7 DOCUMENTING MVR USE

Officers who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against an Officer or against West Hennepin Public Safety Department should indicate this in a written report. Officers should ensure relevant recordings are preserved.

A video statement is not a replacement for a written statement or audio tape recorded statement.

If a citation is issued, the Officer shall make a notation on the written report indicating the incident was captured on the MVR.

label

419.8 RETENTION OF MVR DATA

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Once submitted for storage all recording media will be classified on the Arbitrator system. The classification of data collected by the MVR system will need to be determined on a case-by-case basis upon application and interpretation of the MGDPA. It is the responsibility of the individual department member to accurately classify/tag their MVR data. All video media that is not booked in as evidence will be retained for a minimum of 90 days and disposed of in compliance with the established records retention schedule listed below:

AOA/Emergency Vehicle Response	90 Days (3 months)
Arrest	1095 Days (3 years)
Citation	730 Days (2 years
Critical Incident/Flag for Review	180 Days (6 months)
Field Contact/Routine Call/Warning	90 Days (3 months)
Death/Death Statement	Permanent
Homicide/Homicide Statement	Permanent
Statement - All Others	730 Days (2 years)
Statement - CSC/Arson	Permanent
Transport	90 Days (3 months)
Test/Accidental	90 Days (3 months)
Use of Force	2190 Days (6 years)
Internal Investigation	2190 Days (6 years)
Videos Not Classified	*90 Days (3 months)*

419.8.1 COPIES OF RECORDED MEDIA

Evidentiary copies of digital recordings will be accessed and copied for official law enforcement purposes only. Access rights may be given to the Hennepin County Attorney, West Hennepin PUblic Safety City Attorney, or other prosecutorial agencies associated with any future prosecution arising from an incident where a MVR was utilized.

MVR data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented at the time of the disclosure.

Officers shall ensure relevant recordings are preserved. Officers and MVR administrators may prevent automatic deletion or extend retention by changing the data classification of the media any time prior to the automatic deletion date.

Upon proper request a copy of the original recording media will be made for use as authorized in this policy.

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Original recording media may only be released in response to a court order or upon approval by the Director of Public Safety or the authorized designee. In the event an original recording is released to a court a copy shall be made and placed in storage until the original is returned.

419.8.2 MVR RECORDINGS AS EVIDENCE

Officers who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the West Hennepin Public Safety should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

419.9 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 minimally record for 30 seconds prior to an event.
c. The MVR system may not be configured to record audio data occurring prior to activation.
d. Officers 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. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other approved designee may erase and reissue previously recorded recordings 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.

419.10 MVR TECHNICIAN RESPONSIBILITIES

The MVR technician is responsible for:

a. Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
b. Collecting all completed media for oversight and verification of wireless downloaded media. Once collected the MVR technician:
    1. Ensures it is stored in a secured location with authorized controlled access.
    2. Makes appropriate entries in the chain of custody log.
c. Erasing of media:
    1. Pursuant to a court order.
    2. In accordance with established records retention schedules, including reissuing all other media deemed to be of no evidentiary value.
d. Assigning all media an identification number prior to issuance to the field.
    1. Maintaining a record of issued media.

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e. Ensuring that an adequate supply of recording media is available.
f. Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

419.11 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.

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Mobile Digital Computer Use

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Digital Computer (MDC) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Hennepin County Sheriffs Office Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

420.2 POLICY

West Hennepin Public Safety members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

420.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Sergeants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

420.4.1 USE WHILE DRIVING

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Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

420.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

a. All contacts or activity shall be documented at the time of the contact.
b. Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
c. Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

420.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC while the vehicle is not in motion.

420.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Sergeant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

420.6 EQUIPMENT CONSIDERATIONS

420.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Hennepin County Sheriffs Office Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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420.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Portable Audio/Video Recorders

421.1 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 (Minn. Stat. § 626.8473). Portable audio/video recording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any West Hennepin Public Safety facility, undercover operations, wiretaps, or eavesdropping (concealed listening devices).

421.1.1 DEFINITIONS

Definitions related to this policy include:

Portable recording system - A device worn by a member that is capable of both video and audio recording of the member's activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. § 13.825.

421.2 POLICY

The West Hennepin Public Safety may provide members with access to portable recorders 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.

421.3 COORDINATOR

The Director of Public Safety or the authorized designee should designate a coordinator responsible for (Minn. Stat. § 626.8473; Minn. Stat. § 13.825):

1. Establishing procedures for the security, storage, and maintenance of data and recordings.
    1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access, and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (see the Protected Information and the Records Maintenance and Release policies).
    2. The coordinator should work with the Custodian of Records to identify recordings that must be retained for a specific time frame under Minnesota law (e.g., firearm discharges, certain use of force incidents, formal complaints).
2. Establishing procedures for accessing data and recordings.
    1. These procedures should include the process to obtain written authorization for access to non-public data by WHPS members and members of other governmental entities and agencies.
3. Establishing procedures for logging or auditing access.
4. Establishing procedures for transferring, downloading, tagging, or marking events.

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5. Establishing an inventory of portable recorders including:
    1. Total number of devices owned or maintained by the West Hennepin Public Safety.
    2. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
    3. Total amount of recorded audio and video data collected by the devices and maintained by the West Hennepin Public Safety.
6. Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.
7. Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the West Hennepin Public Safety that expands the type or scope of surveillance capabilities of the department's portable recorders.
8. Ensuring that this Portable Audio/Video Recorders Policy is posted on the Department website.

421.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time or while acting in an official capacity of this department, regardless of ownership of the device, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

421.5 MEMBER RESPONSIBILITIES

Prior to going into service, uniformed members will be responsible for making sure that they are equipped with a portable recorder issued by the Department, and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner at or above the mid-line of the waist and notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

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. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record their name, employee number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation.

421.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

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This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

a. All enforcement and investigative contacts including stops and field interview (FI) situations
b. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
c. Self-initiated activity in which a member would normally notify Hennepin County Sheriffs Office Dispatch
d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

421.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his /her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

421.6.2 SURREPTITIOUS RECORDINGS

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 member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Director of Public Safety or the authorized designee.

421.6.3 EXPLOSIVE DEVICE

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Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

421.7 PROHIBITED USE OF AUDIO/VIDEO 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 Shift Sergeant. 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 and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

421.8 RETENTION OF RECORDINGS

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 90 days.

If an individual captured in a recording submits a written request, the recording shall be retained for an additional time period. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825).

Members shall not alter, erase, or destroy any recordings before the end of the applicable records retention period (Minn. Stat. § 626.8473).

421.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

421.8.2 ACCESS TO RECORDINGS

Except as provided by Minn. Stat. § 13.825, Subd. 2, audio/video recordings are considered private or nonpublic data.

Any person captured in a recording may have access to the recording. If the individual requests a copy of the recording and does not have the consent of other non-law enforcement individuals captured on the recording, the

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identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17.

421.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark the recordings in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

a. The recording contains evidence relevant to potential criminal, civil or administrative matters.
b. A complainant, victim or witness has requested non-disclosure.
c. A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
d. Disclosure may be an unreasonable violation of someone’s privacy.
e. Medical or mental health information is contained.
f. Disclosure may compromise an under-cover officer or confidential informant.
g. The recording or portions of the recording may be protected under the Minnesota Data Practices Act.

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.

421.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. 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 or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

a. By a supervisor as part of internal audits and reviews as required by Minn. Stat. § 626.8473.
b. 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.
c. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
d. By media personnel with permission of the Director of Public Safety or the authorized designee.
e. In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

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All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7; Minn. Stat. § 13.825, Subd. 2).

421.11 ACCOUNTABILITY

Any member who accesses or releases recordings without authorization may be subject to discipline (see the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).

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Foot Pursuits

422.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

422.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

422.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as the following:

a. Containment of the area.

b. Saturation of the area with law enforcement personnel, including assistance from other agencies.

c. A canine search.

d. Thermal imaging or other sensing technology.

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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.

422.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

a. Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

b. The officer is acting alone.

c. Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

d. The officer is unsure of his/her location and direction of travel.

e. The officeris pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

f. The physical condition of the officers renders him/her incapable of controlling the suspect if apprehended.

g. The officer loses radio contact with Hennepin County Sheriffs Office Dispatch or with assisting or backup officers.

h. The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

i. The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

j. The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

k. The officer loses possession of his/her firearm or other essential equipment.

l. The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

m. The suspect’s location is no longer known.

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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.

422.5 RESPONSIBILITIES IN FOOT PURSUITS

422.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

a. Location and direction of travel

b. Call sign identifier

c. Reason for the foot pursuit, such as the crime classification

d. Number of suspects and description, to include name if known

e. Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Hennepin County Sheriffs Office 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.

422.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

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422.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

422.5.4 HENNEPIN COUNTY SHERIFFS OFFICE DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

a. Clearing the radio channel of non-emergency traffic.

b. Coordinating pursuit communications of the involved officers.

c. Broadcasting pursuit updates as well as other pertinent information as necessary.

d. Ensuring that a field supervisor is notified of the foot pursuit.

e. Notifying and coordinating with other involved or affected agencies as practicable.

f. Notifying the Shift Sergeant as soon as practicable.

g. Assigning an incident number and logging all pursuit activities.

422.6 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

1. Date and time of the foot pursuit.
2. Initial reason and circumstances surrounding the foot pursuit.
3. Course and approximate distance of the foot pursuit.
4. Alleged offenses.
5. Involved vehicles and officers.
6. 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.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.

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10. Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Homeless Persons

423.1 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 West Hennepin Public Safety recognizes that members of the homeless community are often in need of special protection and services. The West Hennepin Public Safety 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.

423.2 POLICY

It is the policy of the West Hennepin Public Safety 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.

423.3 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.

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Criminal Conduct on School Buses

424.1 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. This department, in cooperation with any other law enforcement agency that may have concurrent jurisdiction over the alleged offense, is responsible for responding to all reports of criminal misconduct on school buses in this jurisdiction.

This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

424.2 COMMUNITY COOPERATION

The West Hennepin Public Safety 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.

424.3 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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Automated License Plate Readers (ALPR)

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

425.2 POLICY

The policy of the West Hennepin Public Safety is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

425.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the West Hennepin Public Safety to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Sergeant. The Administration Sergeant will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

425.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

a. An ALPR shall only be used for official law enforcement business.

b. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

c. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents.

d. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

e. No ALPR operator may access confidential department, state or federal data unless authorized to do so.

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f. If practicable, the officer should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.

425.4.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The West Hennepin Public Safety will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

1. Data collected by an ALPR will be limited to:
    1. License plate numbers.
    2. Date, time and location of data captured.
    3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.
2. ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
3. ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
4. The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

425.5 DATA COLLECTION AND RETENTION

The Administration Sergeant is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this department (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

a. Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.
b. Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained in accordance with the established records retention schedule.

425.5.1 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

1. Specific times of day that the ALPR collected data.

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2. The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.
3. For each period of active use, the number of vehicles or license plates related to:
    1. A vehicle or license plate that has been stolen.
    2. A warrant for the arrest of the owner of the vehicle.
    3. An owner with a suspended or revoked driver's license or similar category.
    4. Active investigative data.
4. For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

425.6 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The West Hennepin Public Safety will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

a. All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login /password-protected system capable of documenting all access of information by name, date and time.

b. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

c. Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.

d. Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).

e. All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.

f. Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

425.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

1. The agency makes a written request for the ALPR data that includes:
    1. The name of the agency.
    2. The name of the person requesting.

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3. The intended purpose of obtaining the information.
4. A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
5. A statement that the request is authorized by the head of the requesting law enforcement agency or his /her designee.

2. The request is reviewed by the Administration Sergeant or the authorized designee and approved before the request is fulfilled.
    1. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.
3. The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Public Recording of Law Enforcement Activity

426.1 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.

426.2 POLICY

The West Hennepin Public Safety 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.

426.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

1. Recordings may be made from any public place or any private property where the individual has the legal right to be present.
2. 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.
3. The individual may not present an undue safety risk to the officers, him/herself or others.

426.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific

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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.

426.5 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.

426.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

1. 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.
2. There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
3. 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. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Evidence Room Policy.

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Medical Aid and Response

427.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

427.2 POLICY

It is the policy of the West Hennepin Public Safety that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

427.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Hennepin County Sheriffs Office Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Hennepin County Sheriffs Office Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

1. The location where EMS is needed.
2. The nature of the incident.
3. Any known scene hazards.
4. 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 of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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427.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Members should not provide emergency escort for medical transport or civilian vehicles.

427.5 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 who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

427.6 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.

427.7 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.

A Sergeant should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.

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- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas, or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

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.

427.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

427.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the 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 Hennepin County Sheriffs Office Dispatch as soon as possible and request response by EMS, if they have not already been dispatched to the incident.

427.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

427.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED.

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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.

427.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Only officers who receive training in the recognition of signs of opiate overdose and the use of opiate antagonists may administer opioid overdose medication (Minn. Stat. § 626.8443). Officers may administer opioid overdose medication in accordance with protocol specified by the physician who prescribed the overdose medication for use by the officer (Minn. Stat. § 151.37; Minn. Stat. § 604A.04).

427.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Officers who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Officers should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

427.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any officer administering opioid overdose medication should detail its use in an appropriate report.

427.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure training is provided to officers authorized to administer opioid overdose medication (Minn. Stat. § 151.37; Minn. Stat. § 626.8443).

427.9.4 OPIOID OVERDOSE MEDICATION SUPPLY

The Director of Public Safety or the authorized designee shall ensure there is a sufficient supply of opioid overdose medication available for use.

Trained officers shall carry at least two unexpired doses of opioid overdose medication while on-duty (Minn. Stat. § 626.8443).

427.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

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Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

427.10.1 HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols.

The Patrol Sergeant should develop protocols related to the following:

a. Providing security and control during an examination or treatment, including:
    1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
    2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)
b. Responsibility for continuing security and control if the person in custody is admitted to the hospital
    1. This should include transferring custody of the person to an appropriate agency.

427.11 FIRST-AID TRAINING

The Training Sergeant should ensure officers receive periodic first-aid training appropriate for their position.

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Suspicious Activity Reporting

428.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

428.2 POLICY

The West Hennepin Public Safety recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

428.3 RESPONSIBILITIES

TheSergeant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Sergeant include, but are not limited to:

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a. Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
b. Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
c. Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
d. Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
e. Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
f. Coordinating investigative follow-up, if appropriate.
g. Coordinating with any appropriate agency or fusion center.
h. Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

428.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

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Crisis Intervention Incidents

429.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

429.2 POLICY

The West Hennepin Public Safety is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

429.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

a. A known history of mental illness
b. Threats of or attempted suicide
c. Loss of memory
d. Incoherence, disorientation or slow response
e. Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
f. Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
g. Social withdrawal
h. Manic or impulsive behavior, extreme agitation, lack of control
i. Lack of fear
j. Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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429.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Director of Public Safety should designate an appropriate Sergeant to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

429.4.1 OBTAINING MENTAL HEALTH INFORMATION

The Director of Public Safety should designate a member of the Department to develop access procedures, retention guidelines, data security safeguards, notification procedures, and any other applicable standards for obtained mental health information (Minn. Stat. § 626.8477).

Officers may seek information from a mental health professional during a crisis situation pursuant to department procedures. When information is requested, officers should provide an explanation why disclosure of mental health information is necessary to protect the health or safety of the individual in crisis or of another person (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

Information obtained from mental health professionals in crisis incidents should generally be limited to that necessary to safely respond. Officers obtaining mental health information to address crisis incidents should document the following in the associated reports (Minn. Stat. § 13.46; Minn. Stat. § 144.294):

a. The name of the officer who requested the information
b. The name of the health professional who provided the information
c. The name of the individual experiencing the crisis

Mental health information obtained in these circumstances should not be used for any purpose beyond addressing the crisis. The subject of the information should be advised of the information obtained (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

429.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer’s authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

a. Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

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b. Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
c. If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
d. Attempt to determine if weapons are present or available.
e. Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
f. Secure the scene and clear the immediate area as necessary.
g. Employ tactics to preserve the safety of all participants.
h. Determine the nature of any crime.
i. Request a supervisor, as warranted.
j. Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
k. If circumstances reasonably permit, consider and employ alternatives to force.

429.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

429.7 INCIDENT ORIENTATION

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When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

a. Whether the person relies on drugs or medication, or may have failed to take his/her medication.
b. Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
c. Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

429.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis, when practicable. Responding supervisors should:

a. Attempt to secure appropriate and sufficient resources.
b. Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
c. Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
d. Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
e. Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Sergeant.
f. Evaluate whether a critical incident stress management debriefing for involved members is warranted.

429.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

429.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

429.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

a. Members should treat all individuals equally and with dignity and respect.

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b. If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
c. Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

429.11 EVALUATION

The Sergeant designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Director of Public Safety through the chain of command.

429.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Additionally, the Training Sergeant will provide officers, including part-time officers, with in-service training in crisis intervention and mental illness crisis as required by Minn. Stat. § 626.8469 and Minn. Stat. § 626.8474.

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First Amendment Assemblies

430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

430.2 POLICY

The West Hennepin Public Safety 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.

430.3 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.

Officers should not:

a. Engage in assembly or demonstration-related discussion with participants.
b. Harass, confront or intimidate participants.
c. Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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430.3.1 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.

430.4 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 Hennepin County Sheriffs Office 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.

430.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

430.5.1 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.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- 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 actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

430.5.2 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)
    1. Uniforms must display the Department name and a unique personal identifier.
    2. A protocol for keeping record of any officers on scene who are not in compliance with uniform requirements due to exigent circumstances.
e. Deployment of specialized resources
f. Event communications and interoperability in a multijurisdictional event
g. Liaison with demonstration leaders and external agencies
h. Liaison with City government and legal staff
i. Media relations
j. Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation
k. Traffic management plans
l. First aid and emergency medical service provider availability
m. Prisoner transport and detention
n. Review of policies regarding public assemblies and use of force in crowd control
o. Parameters for declaring an unlawful assembly (as defined by Minn. Stat. § 609.705)
p. Arrest protocol, including management of mass arrests
q. Protocol for recording information flow and decisions
r. Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

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s. Protocol for handling complaints during the event
t. Parameters for the use of body-worn cameras and other portable recording devices

430.5.3 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).

430.6 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, the Incident Commander 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 (at least two routes when possible). A reasonable time to disperse should be allowed following a dispersal order.

Additionally, the dispersal order must include:

a. The name and rank of the person and the agency giving the order.
b. The reasons for the declaration.
c. How long the participants have to comply.

The dispersal announcements should be repeated after commencement of the initial dispersal order so that participants understand that they must leave the area.

If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

430.6.1 MINNESOTA POST GUIDELINES ON UNLAWFUL ASSEMBLY

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The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly.

The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.

Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.

430.7 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 Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

430.8 ARRESTS

The West Hennepin Public Safety 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.

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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).

430.9 MEDIA RELATIONS

The Public 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).

430.10 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.

430.11 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, Hennepin County Sheriffs Office Dispatch records/tapes
g. Media accounts (print and broadcast media)
h. Record of any unlawful assembly declarations

430.11.1 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.

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430.12 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.

430.13 ADDITIONAL INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander is responsible for maintaining familiarity with the Minnesota model policy on Public Assembly and First Amendment Activity and incorporating additional protocols as appropriate for the department's preparedness in addressing:

a. Approved devices, tactics, and munitions.
b. Accessibility to the public assembly or demonstration by media representatives and other observers.
c. Additional documentation requirements, if any.

MN Public Assembly - First Amendment Rights Model Policy.pdf

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Civil Disputes

431.1 PURPOSE AND SCOPE

This policy provides members of the West Hennepin Public Safety with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Minnesota law.

431.2 POLICY

The West Hennepin Public Safety recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

431.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

a. Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
b. Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
c. Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
d. Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
e. Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

431.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a

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report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

a. The person's knowledge of the court order or whether proof of service exists.
b. Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

431.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

431.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

431.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Medical Cannabis

432.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the possession, transportation, or use of medical cannabis under Minnesota's medical cannabis laws.

432.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 342.01):

Medical cannabis - (also known as medical cannabis flower or medical cannabinoid product) - Cannabis flower or a product in approved form that consists of or contains cannabis or hemp concentrate or is infused with cannabinoids and is provided to a patient, registered caregiver, or a parent, guardian, or spouse of an enrolled patient to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis may be provided only in state-approved forms such as liquids, oils, pills, vaporized products, dissolvable tablets, gummies, chews, topicals, or other authorized delivery methods and does not include adult-use cannabis or hemp-derived consumer products.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 342.01 et seq.

Caregiver - A person who has been approved by the Minnesota Office of Cannabis Management (OCM) to assist a patient with obtaining and administering medical cannabis from a cannabis retailer, and who is authorized to assist the patient with the use of medical cannabis.

432.2 POLICY

It is the policy of the West Hennepin Public Safety 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 West Hennepin Public Safety 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.

432.3 INVESTIGATION

Investigations involving the possession or use of cannabis generally fall into one of the following categories:

a. Investigations when no person makes a medicinal claim.
b. Investigations when a person claims to be a patient or caregiver.
c. Investigations when the person is otherwise authorized.

432.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

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In any investigation involving the possession, delivery, production, or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under Minn. Stat. § 342.09. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

432.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER

Arrests shall not be made for the possession of medical cannabis by a patient, a caregiver, or the parent or legal guardian of a patient (Minn. Stat. § 342.57).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person's status as a patient. The possession of medical cannabis registry verification from the OCM should also suffice for verification a person's status as a patient or caregiver (Minn. Stat. § 342.01; Minn. Stat. § 342.52).

432.3.3 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person (Minn. Stat. § 342.56):

a. Possesses or consumes medical cannabis on a school bus or van, in a correctional facility, in a state-operated treatment program, including the Minnesota sex offender program, or on the grounds of any child care facility or family or group family daycare program.
b. Vaporizes or smokes medical cannabis on any form of public transportation, where the vapor or smoke would be inhaled by a non-patient minor child, or in any public place or a place of employment.
c. Operates a motor vehicle, aircraft, train, or motorboat, or works on transportation property, equipment, or facilities while under the influence of medical cannabis.

432.3.4 INVESTIGATIONS INVOLVING OTHER AUTHORIZED INDIVIDUALS

Any person falling into the following category shall not be arrested for the authorized possession of cannabis (Minn. Stat. § 342.515):

a. An otherwise authorized individual transporting cannabis plants or products between business facilities pursuant to state law.

432.4 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.

432.5 EVIDENCE ROOM SUPERVISOR RESPONSIBILITIES

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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.

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 Investigations supervisor.

432.6 REPORTING

Officers aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the OCM within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).

Officers having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the OCM using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).

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Bike Patrol

433.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the safe, effective operation of Police Mountain Bikes and Police e-Bikes (Patrol Bikes/Bicycles), which are utilized by the West Hennepin Public Safety. The department recognizes the need for a Patrol Bike to be used to perform certain functions and accomplish specific tasks. In some cases, a Patrol Bike can be an important tool in reducing criminal activity and increasing positive community relations through community outreach events by allowing increased visibility and accessibility to the public.

433.2 POLICY

A Patrol Bike may be used for regular patrol duty, traffic enforcement, traffic/parking control, or special events. The use of the Patrol Bike will emphasize its mobility and visibility to the community. A Patrol Bike may be deployed to any area at all hours of day or night, according to department needs and as staffing levels allow. An Officer may only deploy the Patrol Bike if another officer is on duty and available to respond to calls for service. Unique circumstances may warrant the use of the Patrol Bike if only one officer is on duty (ie. Call for service on bike trail, park, etc).

433.3 UNIFORMS AND EQUIPMENT

BPO's shall wear the department-approved uniform and safety equipment while operating the department Patrol Bike. Safety equipment includes department-approved helmet and approved footwear. The Bike Patrol uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle pants. Optional equipment includes riding gloves, approved socks, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt. Outer carrier vests are permitted. BPO's shall carry the same equipment on Bike Patrol duty belt as they would on a regular patrol assignment. While on Bike Patrol, BPO's will be responsible for obtaining the necessary forms and other regularly used department equipment, if feasible.

433.4 PATROL BIKES REQUIRED EQUIPMENT

Patrol Bikes utilized for patrol shall be primarily black or white with a "Police" decal affixed on each side of either the top tube of the bike frame and/or on each side of the bike's saddle bag. Every Patrol Bike shall be equipped with reflectors and front and rear lamps. Lamps and reflectors must meet legal requirements. Patrol Bikes utilized for uniformed bike patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry the necessary equipment for handling routine patrol calls.

433.5 CARE AND USE OF PATROL BIKES

BPO's shall conduct an inspection of the Patrol Bike and equipment prior to use to ensure proper working order. BPO's are responsible for the routine care and maintenance of their equipment (i.e. tire pressure, chain lubrication, overall cleaning). At the end of a Bike Patrol assignment, the Patrol Bike shall be returned clean and ready for the next tour of duty. BPO's shall not modify the Patrol Bike, remove, or add components except with express approval

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of the BPS. Exemptions include removing rechargeable components to re-charge, and/or temporarily using charged /functional components of an out-of-service Patrol Bike on an in-service Patrol Bike if needed. If a needed equipment repair is beyond the ability of the BPO, the Patrol Bike shall be taken out of service. The BPO shall, as soon as possible, notify the BPS of the needed repair, so that the Patrol Bike can be repaired by an approved repair shop/technician. Each Patrol Bike will have scheduled maintenance once yearly, to be performed by an approved repair shop/technician. Vehicle bicycle rack(s) are available should the BPO need to transport the Patrol Bike. Due to possible component damage, transportation of the Patrol Bike in a trunk or on a patrol car push-bumper is discouraged. Patrol Bikes shall be properly secured when not in the BPO's immediate presence.

433.6 BIKE PATROL OFFICER RESPONSIBILITIES

Generally, BPO's should ride Patrol Bikes in a manner that is in accordance with the principles and laws for driving in traffic. Officers are exempt from operating the Patrol Bike in compliance with Minnesota Law while performing their duties (Minnesota Statute 169.222 Subdivision 11). BPO's may operate the Patrol Bike without lighting equipment during hours of darkness, when such operation reasonably appears necessary for officer safety and tactical considerations. BPO's must use caution when operating the Patrol Bike without lighting equipment. Since Patrol Bikes are not equipped with a Mobile Data Computer (MDC) and Computer-Aided Dispatch (CAD). BPO's on-duty should either change their status to "bike patrol", list "bike patrol" in the notes section prior to log-on, or otherwise notify Hennepin County Dispatch that they will not be available through the MDC.

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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 West Hennepin Public Safety. 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.

500.3.5 LIMITATION AND DISCLOSURE OF REASON FOR TRAFFIC STOP

Officers conducting a traffic stop for violations of Minnesota Statute Chapters 168 or 169 shall not ask the motorist if they can identify the reason for the traffic stop. Officers shall state a reason for the stop unless it would be unreasonable to do so under the totality of the circumstances (Minn. Stat. § 169.905).

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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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 as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plain clothes officer might benefit from being readily identified as an officer.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Collisions

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic collisions.

501.2 POLICY

It is the policy of the West Hennepin Public Safety to respond to traffic collisions and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

1. Is within the jurisdiction of this department and there is:
    a. A life-threatening injury.
    b. A fatality.
    c. A City vehicle involved.
    d. A City official or employee involved.
    e. Involvement of an on- or off-duty member of this department.
2. Is within another jurisdiction and there is:
    1. A City of West Hennepin Public Safety vehicle involved.
    2. A City of West Hennepin Public Safety official involved.
    3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

a. Traffic direction and control
b. Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
c. First aid for any injured parties if it can be done safely.
d. The potential for involvement of hazardous materials.
e. The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

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f. Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify a supervisor, or if unavailable, the Shift Sergeant. The Shift Sergeant or any supervisor may assign an investigator or other appropriate personnel to investigate the incident. The Shift Sergeant will ensure notification is made to the Director of Public Safety in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. 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.

501.5 MINIMUM REPORTING REQUIREMENTS

A collision report shall be taken when:

a. A fatality, any injury (including complaint of pain), impaired driving or hit and run is involved.
b. An on-duty member of the City of West Hennepin Public Safety is involved.
c. The collision results in any damage to any City-owned or leased vehicle.
d. The collision involves any other public agency driver or vehicle.
e. There is damage to public property.
f. There is damage to any vehicle to the extent that towing is required.
g. Prosecution or follow-up investigation is contemplated.
h. Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic collision occurs on private property unless there is an injury or fatality, a hit-and-run violation or other traffic law violation involved. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 CITY VEHICLE INVOLVED

A traffic collision report shall be taken when a City vehicle is involved in a traffic collision that results in property damage or injury.

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

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Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Sergeant. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS

Department members should refer to the [Animal Control] Policy when a traffic collision involves the disposition of an injured animal.

501.6 INVESTIGATION

When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

a. Identification and interview of all involved parties.
b. Identification and interview of any witnesses.
c. A determination of whether a violation of law has occurred and the appropriate enforcement action.
d. Identification and protection of items of apparent evidentiary value.
e. Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Sergeant or Director 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 West Hennepin Public Safety and involves:

1. 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.
2. An on-or off-duty official or employee of the City of West Hennepin Public Safety.

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.

501.6.2 COMMERCIAL VEHICLE COLLISIONS

Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):

a. A fatality.
b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.
c. One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

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A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 169.783).

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter, or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize forms approved by the Minnesota Department of Public Safety as required for the reporting of traffic collisions (Minn. Stat. § 169.09, Subd. 9). All such reports shall be forwarded to the Sergeant or Director for approval and filing.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.8.2 SERGEANT OR DIRECTOR RESPONSIBILITIES

The responsibilities of the Sergeant or Director include but are not limited to:

a. Ensuring the monthly and quarterly reports on traffic collision information and statistics are forwarded to the Patrol Sergeant or other persons as required.
b. Forwarding the traffic collision report to the Department of Public Safety within 10 days of the collision investigation (Minn. Stat. § 169.09, Subd. 8).
c. Ensuring the Department of Public Safety is notified within two business days of a collision that results in a fatality (Minn. Stat. § 169.09, Subd. 8).

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Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the West Hennepin Public Safety and under the authority of Minn. Stat. § 168B.035.

502.2 STORAGE AND IMPOUNDS

Vehicles may be towed for violations of Minn. Stat. § 168B.035, including parking, registration and snow emergency violations.

Vehicles may be moved or removed from a highway when in violation of Minn. Stat. § 169.32(a) or when left unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic (Minn. Stat. § 169.33).

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Department members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Center as soon as practicable after the vehicle is stored.

The Records Center shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report into the Minnesota Justice Information Services (MNJIS) and return the form to the Shift Sergeant for approval.

Approved Vehicle Impound and Inventory Report forms shall be promptly placed into the auto-file so that they are immediately available for release or for information, should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the towing of any such vehicle, it shall be the responsibility of the Records Center to determine through MNJIS the names and addresses of any individuals having an interest in the vehicle. Notice to all such individuals shall be sent by certified mail within five business days of impound (Minn. Stat. § 168B.06 Subd. 1).

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Hennepin County Sheriffs Office Dispatch.

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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 a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.4 RECORDS CENTER RESPONSIBILITIES

Records Center personnel shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report form into the stolen vehicle system. Approved forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this department has been recovered, the Records Center shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. Upon recovery of a vehicle reported stolen to another agency, the Records Center is to promptly inform the agency that the vehicle is recovered, where it is located and when it can be released to the owner (Minn. Stat. § 169.042 Subd. 1).

502.3 TOWING SERVICES

West Hennepin Public Safety periodically selects one or more firms to act as official tow services. 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 selected, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

502.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee’s vehicle subject to the exceptions described below. However, a

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vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

502.5 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.

502.6 PRESERVATION OF EVIDENCE

An officer who removes a vehicle pursuant to Minn. Stat. § 168B.035 is required to take reasonable and necessary steps to preserve evidence. If there is probable cause to believe that a vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or that a particular person has committed a criminal offense, officers shall ensure that all legally required and reasonably necessary efforts are taken to preserve the evidence. Such evidence is to be provided safe storage and preserved until released to the owner or otherwise disposed of according to law.

502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

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If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving while impaired (DWI).

503.2 POLICY

The West Hennepin Public Safety is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Minnesota's impaired driving laws.

503.3 INVESTIGATIONS

Officers should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All officers are expected to enforce these laws with due diligence.

The Sergeant or Director will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

a. The field sobriety tests (FSTs) administered and the results.
b. The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
c. Sources of additional information (e.g., reporting party, witnesses) and their observations.
d. Information about any audio and/or video recording of the individual's driving or subsequent actions.
e. The location and time frame of the individual's vehicle operation and how this was determined.
f. Any prior related convictions in Minnesota or another jurisdiction.

503.4 FIELD TESTS

The Sergeant or Director should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DWI laws.

503.5 CHEMICAL TESTS

A person implies consent under Minnesota law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Minn. Stat. § 169A.51, Subd. 1):

a. The arresting officer has probable cause to believe the person was driving, operating or in physical control of a vehicle while impaired as defined by Minn. Stat. § 169A.20.
b. The officer has probable cause to believe that the person is DWI and has been involved in a vehicle accident resulting in property damage, personal injury or death.

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c. The officer has probable cause to believe that the person is DWI and the person has refused to take the preliminary screening test provided for by Minn. Stat. § 169A.41.
d. The person was administered a preliminary screening test and the results indicated an alcohol concentration of 0.08 or more.
e. The officer has probable cause to believe the person was driving, operating or in physical control of a commercial motor vehicle with the presence of any alcohol in the person's body.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

503.5.1 BREATH SAMPLES

The Sergeant or Director should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Sergeant or Director.

503.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Minn. Stat. § 169A.51, Subd. 7). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.5.4 STATUTORY NOTIFICATIONS

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At the time that the officer requests the person to submit to a breath test the officer must inform the person that (Minn. Stat. § 169A.51, Subd. 2):

a. Minnesota law requires that he/she take the test.
b. Refusal to take the test is a crime.
c. He/she has the right to consult with an attorney unless it would unreasonably delay administration of the test.

At the time that the officer directs a person to submit to a blood or urine test pursuant to a warrant, the person must be informed that a refusal to submit to a blood or urine test is a crime (Minn. Stat. § 171.177, Subd. 1 and Subd. 2).

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample officers should:

a. Advise the arrestee of the requirement to provide a sample (Minn. Stat. § 169A. 51; Minn. Stat. § 171.177, Subd. 1).

b. Audio- and/or video-record the admonishment and the response when it is legal and practicable.

c. Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of intention to revoke upon the person and invalidate the person's license (Minn. Stat. § 169A.52, Subd. 7).

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who does not consent to a chemical test when any of the following conditions exist (Minn. Stat. § 169A.51, Subd. 3):

a. A search warrant has been obtained.

b. The officer can articulate that exigent circumstances exist and the officer has probable cause to believe that the person has committed DWI, including vehicular homicide or injury (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 13). Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

503.6.3 FORCED BLOOD SAMPLE

A forced sample may not be taken except in DWI cases involving vehicular homicide or injury (Minn. Stat. § 171.177, Subd. 13). In those cases, if a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

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1. Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
2. Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
3. Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the person to submit to such a sample without physical resistance.
    1. This dialogue should be recorded on audio and/or video when reasonably practicable.
4. Ensure that the blood sample is taken in a medically approved manner.
5. Ensure that the forced blood draw is recorded on audio and/or video when reasonably practicable.
6. Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
    2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
    3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
7. Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.6.4 WARRANTS FOR CONTROLLED SUBSTANCES OR INCAPACITATION

A blood or urine test may be required pursuant to a warrant if the officer has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

a. The person's impairment is due to a controlled substance, an intoxicating substance, or cannabis or hemp-related product that is not subject to testing by a breath test.
b. A controlled substance listed in Schedule I or II or its metabolite (other than a cannabis or hemp-related product or tetrahydrocannabinols), is present in the person's body.
c. The person is unconscious or incapacitated to the point that the officer providing the breath test advisory, administering the breath test, or serving the search warrant has a good faith belief that the person is mentally or physically unable to comprehend the advisory or otherwise voluntarily submit to the chemical tests.

If a person objects to the blood or urine test as directed by the warrant or officer, the officer should offer the other type of test if the person is conscious. Action may be taken against a person refusing to submit to a blood or urine test only if an alternate test of blood or urine, as applicable, was offered (Minn. Stat. § 169A.51, Subd. 4; Minn. Stat. § 171.177, Subd. 2).

503.6.5 STATUTORY NOTIFICATIONS UPON REFUSAL WITH A SEARCH WARRANT

Upon refusal to submit to a chemical test pursuant to a search warrant, officers shall personally serve the notice of intention to revoke upon the person and invalidate the person's license in such a way that no identifying information is destroyed and immediately return the license to the person (Minn. Stat. § 171.177, Subd. 8).

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503.7 ARREST AND INVESTIGATION

503.7.1 RIGHT TO ATTORNEY CONTACTS

A person has a limited right to consult with an attorney prior to submitting to a chemical test. This right is limited to the extent that it cannot unreasonably delay administration of the test (Minn. Stat. § 169A.51, Subd. 2).

503.7.2 ARREST AUTHORITY

An officer may arrest a person without a warrant and without regard to whether the offense was committed in the officer's presence if there is probable cause to believe the person committed (Minn. Stat. § 169A.40):

a. A DWI offense (Minn. Stat. § 169A.20).
b. An alcohol- or cannabis-related driving offense involving a school bus or a Head Start bus (Minn. Stat. § 169A.31).
c. An underage drinking and driving offense (Minn. Stat. § 169A.33).

503.7.3 OFFICER RESPONSIBILITIES

If an officer requests that a person submit to a chemical test and the person refuses such request, the officer shall report such refusal to the Commissioner of the Department of Public Safety (DPS) and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 3).

If a person refuses to submit to a test or in the alternative submits to a test and the results indicate a prohibited alcohol concentration, the officer shall immediately give notice to the person that their driving privilege will be revoked and shall (Minn. Stat. § 169A.52, Subd. 7; Minn. Stat. § 171.177, Subd. 8):

a. Issue the person a temporary license effective for only 14 days.
    1. Officers are not required to issue a person a temporary license if the person's driving privilege is under withdrawal by DPS or if the person is unlicensed.
b. Send the notification of this action to the Commissioner of the DPS along with the certification that there was probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while impaired, and that the person either refused to submit to a test or submitted to a test and the results indicated a prohibited alcohol concentration or drug presence.

Test results of a person that indicate a prohibited alcohol concentration or drug presence shall be forwarded to the Commissioner of the DPS and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 2).

503.7.4 PRELIMINARY SCREENING TEST

An officer who has reason to believe the person was driving, operating or in physical control of a motor vehicle while impaired, may require the person to provide a sample of the person’s breath for a preliminary screening test using a device approved by the Department of Public Safety (DPS) Commissioner (Minn. Stat. § 169A.41, Subd. 1).

The officer must use the results of the preliminary screening test for the purpose of deciding whether to arrest the person and require further chemical testing pursuant to Minn. Stat. § 169A.51 (Minn. Stat. § 169A.41, Subd. 2).

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503.7.5 ADDITIONAL TESTING

An officer shall permit a person required to submit to a chemical test to have a qualified person of his/her own choosing administer a separate chemical test (Minn. Stat. § 169A.51, Subd. 7(b)). The separate chemical test shall:

a. Be conducted at the place where the person is in custody.
b. Be conducted after the officer has administered the statutorily mandated test.
c. Impose no expense to the state.

503.7.6 ADDITIONAL REQUIREMENTS FOR BREATH SAMPLES

All breath samples requested in accordance with this policy shall be obtained in accordance with Minn. Stat. § 169A. 51, Subd. 5.

503.8 RECORDS CENTER RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

503.9 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Driver and Vehicle Services Division (DVS) of the DPS.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DVS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

503.10 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DWI laws receive regular training. Training should include at minimum current laws on impaired driving, investigative techniques and rules of evidence pertaining to DWI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

504.2 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Sergeant or Director. Upon a review of the circumstances involving the issuance of the traffic citation, the Sergeant or Director may request the Patrol Sergeant to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Sergeant for review.

Members of the Department should provide a report or other verification to the owner of a stolen vehicle that may have received a citation during the time of the theft for the purpose of dismissing the citation (Minn. Stat. § 169.042 Subd. 2).

504.3 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. The citation and copies shall then be forwarded to the Sergeant or Director.

504.4 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 Records Clerk. The record clerk shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

504.5 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.

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a. When any juvenile is issued a citation for a drug or alcohol violation, or a juvenile 16 years of age or older is issued a citation for an adult court traffic offense, the officer shall follow the arrest procedures prescribed in Minn. Stat. § 169.91 and shall make reasonable effort to notify the child's parent or guardian of the violation and the nature of the charge. Notifications should be documented (Minn. Stat. § 260B.225 Subd. 3).

b. When any juvenile is issued a citation for a major traffic offense, the officer is required to file a signed copy of the citation, as provided in Minn. Stat. § 169.91, with the juvenile court of the county in which the violation occurred. The citation serves as a petition providing the juvenile court jurisdiction (Minn. Stat. § 260B.225 Subd. 5).

504.6 ADMINISTRATIVE VIOLATIONS

Administrative violations may be issued by officers to any person for violations of any City ordinance by using the West Hennepin Public Safety Administrative Violation Form. A completed Administrative Violation Form should be submitted in the same manner as any other citation.

Administrative citations should not be issued for crimes that may need to go through District Court for enhancement consideration purposes. The issuing officer or a supervisor should determine the appropriate citation type to use in each situation after considering the factors in each circumstance.

504.6.1 ADMINISTRATIVE VIOLATION CONSIDERATIONS

When determining the appropriateness of issuing an administrative violation, an officer should consider the following:

a. Only one ordinance violation can be written per Administrative Violation Form.

b. Parking tickets cannot be written on an Administrative Violation Form.

c. Speed and license-related citations should be written on a District Court ticket, as they will not appear on a driver’s record if written on an Administrative Violation Form.

d. A person receiving an administrative citation cannot be jailed solely based on the ordinance violation.

e. Officers who are aware that a violator has received prior administrative citations and failed to pay the related fine, should consider issuing a District Court Citation if the following conditions exist:

    1. The violator has an established record of non-payment with the City Clerk’s Office.

    2. The violator is apparently unable to pay the fine.

    3. The violator owns no real property.

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

505.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practicable.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety and changing a tire is not considered a mechanical repair.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

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Abandoned Vehicle Violations

506.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of Minn. Stat. § 168B.04.

506.1.1 DEFINITION

Pursuant to Minnesota statutes, a vehicle is abandoned if:

a. The motor vehicle has remained illegally for more than 48 hours on any government-owned or -controlled property, or for more than four hours on that property when properly posted (Minn. Stat. § 168B.011 Subd. 2 (1)).

b. The motor vehicle has been properly tagged by an officer and abandoned for four hours on any highway (Minn. Stat. § 168B.04, Subd. 2 (b) (1)).

c. The motor vehicle has been abandoned and located so as to constitute a collision or traffic hazard (Minn. Stat. § 168B.04 Subd. 2 (b) (1)).

d. The motor vehicle is unattended on private residential property, that is a single-family or duplex, without permission of the property caretaker (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

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)).

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the West Hennepin Public Safety to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

1. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.
2. If information indicates a crime has occurred, the officer shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Sergeant.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.
3. If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

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Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of a person who is suspected of having committed a criminal offense 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.

Consideration should also be given to recording a non-custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

1. All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
2. The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
    1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
    2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
3. The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
4. The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
5. Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
6. Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

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The Domestic Abuse, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his /her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party’s account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS

Officers shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating officers shall forward this report to the Minnesota Department of Human Services and the Minnesota Department of Children, Youth, and Families within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

a. The name, address, and driver's license or state identification card number of the suspect
b. The number on each EBT card and name, if any
c. The date and location of any alleged offense
d. Any other information the Minnesota Department of Human Services or the Minnesota Department of Children, Youth, and Families may require on related state forms

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Sergeant or the Director of Public Safety. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The West Hennepin Public Safety adopts the Investigations of Sexual Assault model policy established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8442).

Model Sexual Assault Investigation Policy 03-03-21.pdf

601.2 POLICY

It is the policy of the West Hennepin Public Safety that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 COPY OF SUMMARY

The Investigations supervisor shall ensure that the victim of a sexual assault who reports an incident to this department is provided with a copy of the written summary of the allegation. If the incident occurred outside the jurisdiction of the West Hennepin Public Safety, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred. If the West Hennepin Public Safety learns that both the victim and the accused are members of the Minnesota National Guard, the Department shall provide a copy of the summary to the Bureau of Criminal Apprehension (Minn. Stat. § 609.3459).

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Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses and controlled substance offenses (Minn. Stat. § 609.531 to Minn. Stat. § 609.5318).

602.2 POLICY

The West Hennepin Public Safety 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 West Hennepin Public Safety that all employees of the agency, all employees assigned to another law enforcement agency’s task force and all employees assigned to a task force from an outside law enforcement agency, in which this agency serves as the Fiscal Agent, follow all state and federal laws pertaining to forfeiture.

602.3 DEFINITIONS

Definitions related to this policy include:

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

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

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

Fiscal Agent - The person designated by the West Hennepin Public Safety to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the West Hennepin Public Safety seizes property for forfeiture or when the West Hennepin Public Safety is acting as the fiscal agent pursuant to a multi-agency agreement.

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

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Forfeiture Reviewer - The West Hennepin Public Safety employee assigned by the West Hennepin Public Safety responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the prosecutor' s office.

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

Property subject to administrative forfeiture - The following property is subject to administrative forfeiture under Minnesota Law (Minn. Stat. § 609.5314):

a. All cash totaling $1500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense, and all cash found in proximity to controlled substances when there is probable cause to believe that the cash was exchanged for the purchase of a controlled substance.
b. All conveyance devices containing controlled substances with a retail value of $100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale.
c. All firearms, ammunition, and firearm accessories found:
    1. In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance.
    2. On or in proximity to a person from whom a felony amount of controlled substance is seized.
    3. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

Seizure - The act of law enforcement officials taking property, including cash and conveyance devices that have been used in connection with or acquired by illegal activities.

602.4 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.4.1 PROPERTY SUBJECT TO SEIZURE

The following property is subject to seizure.

a. The following property may be seized upon review and approval of a supervisor and in coordination with the Forfeiture Reviewer:
    1. Controlled substances and associated property as described in Minn. Stat. § 609.5311.
    2. Property intended for use to commit or facilitate the commission of a designated offense, as listed in Minn. Stat. § 169A.63, Subd. 6 and limited by Minn. Stat. § 169A.63, Subd. 7, and as listed in Minn. Stat. § 609.531, Subd. 1(f) and limited by Minn. Stat. § 609.5312.

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b. Property subject to administrative forfeiture may be seized without prior supervisor approval if the item has a retail value of $50,000 or less (Minn. Stat. § 609.5314).

602.4.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

a. Cash and property that does not meet the prosecuting agency's current minimum forfeiture thresholds.
b. Cash totaling less than $1,500, unless prerecorded buy funds are included in the cash seized.

602.4.3 SEIZURE OF PROPERTY TO BE FORFEITED

An officer may seize property subject to forfeiture based on a court order. An officer may also seize property without a court order under any of the following conditions (Minn. Stat. § 609.531, Subd. 4; Minn. Stat. § 169A.63, Subd. 2):

a. The seizure is incident to a lawful arrest or a lawful search.
b. The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.
c. The officer has probable cause to believe that a delay to obtain a warrant or other process would result in the removal or destruction of the property and that either of the following apply:
    1. The property was used or is intended to be used in commission of a felony.
    2. The property is dangerous to health or safety.

602.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

a. If the retail value of the asset to be seized is $50,000 or less, completely and accurately prepare the Notice of Seizure and Intent to Forfeit Property Form (seizure form) and present it to the person from whom the property is to be seized for that person’s signature. If the person refuses to sign, the officer shall indicate on the seizure form that the person refused. The seizure form is not used when the value of the seized property exceeds $50,000.

b. Prepare and provide a receipt for the items seized to the person from whom the property is being seized.

    1. If cash or property is seized from more than one person, a separate property inventory receipt must be completed for each person specifying the amount of cash seized. The receipt shall include a detailed description of all property, checks, money orders, traveler’s checks or other financial instruments.

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

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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." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

g. Forward the original and the pink copy of the seizure form, and any seized property processing worksheets, property receipts and reports to the Forfeiture Reviewer within 10 days of seizure.

h. Inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

602.5.1 CASH HANDLING

It is the responsibility of the seizing officer to secure and count cash consistent with this policy and the Cash Handling, Security and Management Policy. All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

All forfeitable cash seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practicable.

Prior to deposit with the Forfeiture Reviewer, officers shall examine all cash seized to determine whether it contains any prerecorded buy funds. Officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer to be returned to the appropriate buy fund account.

602.5.2 JEWELRY/PRECIOUS METALS/PRECIOUS STONES

Officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture Reviewer.

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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.

602.5.3 VEHICLES

Any conveyance device seized for forfeiture shall be taken to a secure designated area or to a department-approved impound facility as soon as practicable.

Officers shall inventory the conveyance device and its contents in accordance with the Vehicle Towing Policy. Officers shall also complete applicable report forms and distribute them appropriately. A copy of the vehicle storage report shall be included with the seizure documentation that is submitted to the Forfeiture Reviewer.

602.5.4 FIREARMS/AMMUNITION/FIREARM ACCESSORIES

When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the Evidence Room in accordance with the current booking procedures and the Evidence Room Policy.

602.6 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.

602.7 FORFEITURE REVIEWER

The Director of Public Safety will appoint an officer as the Forfeiture Reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Forfeiture Reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of Forfeiture Reviewer include the following:

a. Confer regularly with the prosecuting attorney’s office to remain familiar with forfeiture laws, particularly Minn. Stat. § 609.531 through Minn. Stat. § 609.5318, Minn. Stat. § 169A.63, and the forfeiture policies of the prosecuting agency.
b. Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
c. Ensure responsibilities, including designation of a Fiscal Agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

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d. Ensure that a seizure form, property inventory receipt, and a forfeited property processing worksheet is available and appropriate for department use. The seizure form will minimally include the following (Minn. Stat. § 609.5314):
    1. Space for an itemized list of items seized
    2. The location and date of the seizure
    3. A place for the name of the individual served with the seizure form
    4. The date and signature of the officer conducting the seizure
    5. The agency case number
    6. A space for the signature of the person from whom property is seized or an appropriate space or check box for the officer to indicate that the person refused to sign
    7. At least an original and the pink copy
    8. Information in English, Hmong, Somali and Spanish explaining the right to obtain judicial review and the procedure provided by Minn. Stat. § 609.5314.
e. Ensure that officers who may be involved in asset forfeiture receive training in the proper use of the seizure form and the forfeiture process. The training should be developed in consultation with the prosecuting attorney and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins, or department directives. The training should be based on this policy and address any relevant statutory changes and court decisions.
f. Review each asset forfeiture case to ensure the following:
    1. Written documentation of the seizure and items seized is present in the case file.
    2. Independent prosecutorial review of the circumstances and propriety of the seizure is made in a timely manner.
    3. A timely notice of seizure has been given to interest holders of seized property.
    4. Property is promptly released to those entitled to its return.
g. Forward all changes to forfeiture status to any supervisor who initiates a forfeiture case.
h. Deposit any cash received with the Fiscal Agent.
i. Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.
j. Annually review and update this policy and any related policies to reflect current federal and state statutes and case law.
k. Prepare a written plan for the Director of Public Safety to address any extended absence of the Forfeiture Reviewer to ensure that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
l. Ensure the Department disposes of property as provided by law following any forfeiture (Minn. Stat. § 609.5315).
m. Ensure that any forfeited property used in an undercover capacity, or that is sold or added to the department inventory is done so according to Minnesota law.
n. Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by this department.
o. Upon completion of any forfeiture process, ensure that no property is retained by the West Hennepin Public Safety unless the West Hennepin Public Safety authorizes in writing the retention of the property for official use.

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p. Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures (Minn. Stat. § 609.5315).
q. Ensure that records of forfeiture are retained for a minimum of six years.
r. Ensure forfeiture reporting is made to the state auditor in the manner prescribed by the auditor (Minn. Stat. § 609.5315, Subd. 6).

602.8 DISPOSITION OF FORFEITED PROPERTY

Legal disposition may include (Minn. Stat. § 609.5315; Minn. Stat. § 169A.63, Subd. 10):

a. Retention by the Department and/or prosecuting agency.
    1. If a forfeited motor vehicle is kept for Department use, the Department will make a reasonable effort to ensure the vehicle is available for use and adaptation by officers who participate in the Department's Drug Abuse Resistance Education program (Minn. Stat. §609.5315).
b. Destruction.
c. Sale performed in a commercially reasonable manner.
d. Other disposition pursuant to applicable provisions of Minnesota Statutes.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the West Hennepin Public Safety has given written authorization to retain the property for official use.

Members of this department or persons related to members of this department by blood or marriage are prohibited from purchasing forfeited items sold by this department (Minn. Stat. § 609.5315, Subd. 1(c)).

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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the West Hennepin Public Safety for law enforcement purposes. This also includes a person agreeing to supply information to the West Hennepin Public Safety for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The West Hennepin Public Safety recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.2.1 POST MODEL POLICY

It is the policy of the Department to follow the requirements of the Confidential Informants Model Policy, established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8476).

Confidential Informants Model Policy.pdf

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

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Juveniles under the guardianship of the state may not be used as informants.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

a. The juvenile's parents or legal guardians
b. The juvenile's attorney, if any
c. The court in which the juvenile's case is being handled, if applicable
d. The Director of Public Safety or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

1. The identity of an informant acting in a confidential capacity shall not be withheld from the Director of Public Safety, Sergeant, West Metro Drug Task Force supervisor or their authorized designees.
    1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
2. Criminal activity by informants shall not be condoned.
3. Informants shall be told they are not acting as police officers, employees or agents of the West Hennepin Public Safety, and that they shall not represent themselves as such.
4. The relationship between department members and informants shall always be ethical and professional.
    1. Members shall not become intimately involved with an informant.
    2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the West Metro Drug Task Force supervisor.
    3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
5. Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the West Metro Drug Task Force supervisor.
    1. Officers may meet informants alone in an occupied public place, such as a restaurant.
6. When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
7. In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
8. Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

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The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

a. The informant has provided untruthful or unreliable information in the past.
b. The informant behaves in a way that may endanger the safety of an officer.
c. The informant reveals to suspects the identity of an officer or the existence of an investigation.
d. The informant appears to be using his/her affiliation with this department to further criminal objectives.
e. The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
f. The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
g. The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the West Metro Drug Task Force. The West Metro Drug Task Force supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Director of Public Safety, Sergeant, West Metro Drug Task Force supervisor or their authorized designees.

The Investigation Sergeant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the West Metro Drug Task Force supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

1. Name and aliases
2. Date of birth

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3. Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos, or other distinguishing features
4. Photograph
5. Current home address and telephone numbers
6. Current employers, positions, addresses, and telephone numbers
7. Vehicles owned and registration information
8. Places frequented
9. Briefs of information provided by the informant and the informant's subsequent reliability
    1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
10. Name of the officer initiating use of the informant and any subsequent overseeing agents
11. Signed informant agreement
12. Update on active or inactive status of informant
13. Emergency contact information
14. Criminal history record
15. Residential addresses in the last five years
16. Social media accounts
17. Marital status and number of children
18. Gang affiliations or other organizational affiliations
19. Special skills and hobbies
20. Special areas of criminal expertise or knowledge

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The West Metro Drug Task Force supervisor will discuss the above factors with the Patrol Sergeant and recommend the type and level of payment subject to approval by the Director of Public Safety.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

1. Payments of $500 and under may be paid in cash from a West Metro Drug Task Force buy/expense fund.

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1. The West Metro Drug Task Force supervisor shall sign the voucher for cash payouts from the buy /expense fund.

2. Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
    1. The check shall list the case numbers related to and supporting the payment.
    2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
    3. The statement shall be signed by the informant verifying the statement as a true summary of the informant's actions in the case.
    4. Authorization signatures from the Director of Public Safety and the WHPS Police Commission Chairman are required for disbursement of the funds.
3. To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
    1. The cash transfer form shall include the following:
        a. Date
        b. Payment amount
        c. West Hennepin Public Safety case number
        d. A statement that the informant is receiving funds in payment for information voluntarily rendered.
    2. The cash transfer form shall be signed by the informant.
    3. The cash transfer form will be kept in the informant's file.
    4. At least two officers should be present when payments are made.
    5. Any signature by the informant for receipt of payment should not contain the true identity of the informant but should use the informant's control number.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.6.3 AUDIT OF PAYMENTS

The West Metro Drug Task Force supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Director of Public Safety or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e. g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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603.7 INFORMANT COORDINATOR

The Director of Public Safety or the authorized designee should designate an informant coordinator responsible for remaining familiar with the requirements and guidelines set forth in Minn. Stat. § 626.8476 and the MN POST Confidential Informants Model Policy.

The coordinator is also responsible for implementing department procedures and protocols concerning the recruitment, control, and use of informants, as adopted by the model policy, including but not limited to:

a. Establishing general guidelines related to the oversight of informants such as:
    1. The execution of informant agreements.
    2. The use of informants in exigent circumstances.
    3. Supervisor review of informant files and informant agreements, and attendance at debriefings and meetings.
    4. Communication strategies and plans to address the confidentiality and integrity of the department /informant relationship.
    5. The screening of informants for personal safety or mental health concerns before and after their use.
b. Developing procedures for determining initial and continued suitability, and preparing related reports (e.g., Initial Suitability Report, Continuing Suitability Report).
    1. Procedures should include a process for forwarding the results of initial and continuing suitability determinations to appropriate department members.
    2. The local prosecutor's office should be consulted before engaging individuals who require special review and approval (e.g., juveniles, government officials, those individuals obligated by legal privilege of confidentiality).
c. Creating a process for identifying individuals who may be or who may become unsuitable to serve as informants (e.g., individuals receiving in-patient or partial-hospitalization treatment for a substance use disorder or mental illness, participating in a treatment-based drug court program or treatment court, having overdosed in the last 12 months, having a physical or mental illness that impairs the ability to understand instructions and make informed decisions).
d. Working with department members to identify informants who should be referred to prevention or treatment services.
e. Addressing jurisdictional issues to ensure proper coordination in the use of informants.
f. Working with the West Metro Drug Task Force supervisor to manage the informant file system, including establishing guidelines regarding access, review, and disclosure.
g. Establishing deactivation procedures.
h. Making any necessary updates to agency procedures.
i. Certifying annually to MN POST that the Department has adopted a policy that complies with the requirements of the model policy as required by Minn. Stat. § 626.8476, Subd. 3.

603.8 TRAINING

The Training Sergeant shall provide in-service training to officers, including part-time officers, in the recruitment, control, and use of confidential informants as required by Minn. Stat. § 626.8476.

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Informants

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Minn. Stat. § 626.8433).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - 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.

604.2 POLICY

The West Hennepin Public Safety will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.2.1 POST MODEL POLICY

It is the policy of the West Hennepin Public Safety to follow the requirements of the Eyewitness Identification Procedures model policy, established and published by the Minnesota Board of Peace Officer Standards and Training (POST) (Minn. Stat. § 626.8433).

Eyewitness Identification Procedures model policy.pdf

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

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The Investigations supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

a. The date, time, and location of the eyewitness identification procedure.
b. The name and identifying information of the witness.
c. The name of the person administering the identification procedure.
d. If applicable, the names of all individuals present during the identification procedure.
e. An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
f. An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
g. If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
h. An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
i. A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
j. A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
k. Any other direction to meet the requirements of the POST model policy.

The process and related forms should be reviewed at least annually and modified when necessary.

604.4.1 POST REQUIREMENTS

The Investigations supervisor should remain familiar with the requirements contained in the Eyewitness Identification Procedures model policy issued by POST and incorporate these, as necessary, into the eyewitness identification process for use by members when conducting photographic and live lineups.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- 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.

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Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When conducting a live lineup, the member presenting the lineup should not be involved in the investigation or know the identity of the suspect (Minn. Stat. § 626.8433).

When conducting a photographic lineup, if practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

a. Obtain and document a complete description of the suspect from the witness.
b. Assess whether a witness should be included in a field identification process by considering:
    1. The length of time the witness observed the suspect.
    2. The distance between the witness and the suspect.
    3. Whether the witness could view the suspect’s face.
    4. The quality of the lighting when the suspect was observed by the witness.
    5. Whether there were distracting noises or activity during the observation.
    6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
    7. The length of time that has elapsed since the witness observed the suspect.

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c. If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
d. When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
e. The person who is the subject of the show-up should not be shown to the same witness more than once.
f. In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
g. The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect, or to perform other actions mimicking those of the suspect.
h. If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The member conducting the lineup should document the reason that an audio and/or video recording was not obtained, if applicable.

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Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the West Hennepin Public Safety that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The West Hennepin Public Safety will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the West Hennepin Public Safety will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

605.4 DISCLOSURE OF REQUESTED INFORMATION

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If *Brady* information is located, the following procedure shall apply:

a. In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
b. The prosecuting attorney or City Attorney should then be requested to file a motion in order to initiate an in-camera review by the court.
    1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
c. The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
d. If the court determines that there is relevant *Brady* material contained in the files, only that data ordered released will be copied and released to the parties filing the motion.
    1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use and further dissemination of such materials to the involved case and requiring the return of all copies upon completion of the case.
e. If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

605.7 BRADY PROCESS

The Director of Public Safety shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Administration Sergeant or the authorized designee.

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

a. Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
b. Maintaining a current list of members who have *Brady* information in their files or backgrounds.
    1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

605.8 SUBPOENA PROCESSING

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The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

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Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS (Minn. Stat. § 626.19).

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled without the possibility of direct human intervention from within or on the aircraft (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means (Minn. Stat. § 626.19).

606.2 POLICY

A UAS may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Director of Public Safety will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

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- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Director of Public Safety or the authorized designee, depending on the type of mission.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Director of Public Safety.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
- Developing protocols for reviewing and approving requests for use of the Department UAS by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- Posting the Department policies and procedures regarding the use of UAV on the department website, as applicable (Minn. Stat. § 626.19).
- Reviewing the program and UAS use for compliance with Minn. Stat. § 626.19.

606.5 USE OF UAS

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Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

Members shall not use a UAS without a search warrant, except (Minn. Stat. § 626.19):

a. During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.
b. To document evidence that is at imminent risk of destruction.
c. Over a public event where there is a heightened risk to the safety of participants or bystanders.
d. To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
e. To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
f. To conduct a threat assessment in anticipation of a specific event.
g. To collect information from a public area if there is reasonable suspicion of criminal activity.
h. To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
i. Over a private area with the written consent of the occupant or a public area, for officer training or public relations purposes.
j. For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.
k. To facilitate the active search for a missing person.

606.5.1 DOCUMENTATION REQUIRED

Each use of a UAS should be properly documented by providing the following (Minn. Stat. § 626.19):

a. A unique case number
b. A factual basis for the use of a UAS
c. The applicable exception, unless a warrant was obtained

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (Minn. Stat. § 626.19).

606.6.1 ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAS shall not be deployed with facial recognition or biometric-matching technology (Minn. Stat. § 626.19).

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

606.7 RETENTION OF UAS DATA

The Records Center supervisor shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).

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Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the West Hennepin Public Safety to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

a. Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
    1. No-knock search warrant applications shall comply with the requirements, including the reporting requirements to the Commissioner of Public Safety, as provided by Minn. Stat. § 626.14.
b. A clear explanation of the affiant's training, experience, and relevant education.
c. Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
d. A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
e. Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
f. A specific description of the location to be searched, including photographs of the location, if reasonably available.
g. A sufficient description of the items to be seized.
h. Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

1. When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
2. The warrant service is audio- and video-recorded when practicable and reasonable to do so.
3. Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

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4. Reasonable efforts are made during the search to maintain or restore the condition of the location.
5. Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
6. Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
7. A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
8. A copy of the search warrant is left at the location.
9. The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should

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discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the West Hennepin Public Safety are utilized appropriately. Any concerns regarding the requested use of West Hennepin Public Safety members should be brought to the attention of the Director of Public Safety or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Sergeant should assume this role.

If officers intend to serve a warrant outside West Hennepin Public Safety jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the West Hennepin Public Safety when assisting outside agencies or serving a warrant outside West Hennepin Public Safety jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Director of Public Safety. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.13 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the West Hennepin Public Safety to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Director of Public Safety will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources

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may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

1. Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
2. Maps of the location.
3. Diagrams of any property and the interior of any buildings that are involved.
4. Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
5. Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
6. Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
7. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
8. Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

1. Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
    1. Emergency Response Unit (ERU)
    2. Additional personnel
    3. Outside agency assistance
    4. Special equipment
    5. Medical personnel
    6. Persons trained in negotiation
    7. Additional surveillance

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8. Canines
9. Evidence Room or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

2. Contact the appropriate department members or other agencies as warranted to begin preparation.
3. Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
4. Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.
The plan should address such issues as:

1. Operation goals, objectives and strategies.
2. Operation location and people:
    1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
    2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
    3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
    4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

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3. Information from the risk assessment form by attaching a completed copy in the operational plan.
    1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
4. Participants and their roles.
    1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
    2. How all participants will be identified as law enforcement.
5. Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
6. Identification of all communications channels and call-signs.
7. Use of force issues.
8. Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
9. Plans for detaining people who are not under arrest.
10. Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
11. Communications plan.
12. Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

1. The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
2. All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
3. The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
    1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

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4. The briefing should include details of the communications plan.
    1. It is the responsibility of the operations director to ensure that Hennepin County Sheriffs Office Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
    2. If the radio channel needs to be monitored by Hennepin County Sheriffs Office Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
    3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 ERU PARTICIPATION

If the operations director determines that ERU participation is appropriate, the director and the ERU supervisor shall work together to develop a written plan. The ERU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the ERU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Director of Public Safety. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any ERU debriefing.

608.11 TRAINING

The Training Sergeant should ensure officers and ERU team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Scrap Metal Theft Investigation

609.1 PURPOSE AND SCOPE

This policy provides guidance regarding scrap metal theft investigations.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, including a scrap metal processor, as defined in Minn. Stat. § 325E.21.

609.2 POLICY

The West Hennepin Public Safety recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

609.3 INSPECTIONS AND AUDITS

An officer engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

a. Conduct inspections and audits of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.
b. Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.
c. Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections or audits should be referred to the City attorney for criminal prosecution.

609.4 INVESTIGATIVE HOLDS

An officer who has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator, or that scrap metal in the possession of a scrap metal dealer, is stolen or is evidence of a crime may verbally order the operator or dealer not to process, sell, remove or allow the removal of the item for 30 days (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

The officer issuing the order is responsible for ensuring that the order to hold the item is confirmed in writing within 72 hours. If the item is identified as evidence in an active criminal case, the officer may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.

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609.5 SEIZING ITEMS

The investigating officer should confer with the prosecuting attorney to determine whether the item should be confiscated. If the item is evidence or otherwise needed for an investigation or prosecution, the officer may issue a written notice to confiscate any time during the investigative hold. The officer shall take custody of the item within 15 days of the notice to confiscate (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

When an item is confiscated, the officer shall:

1. Provide the operator or dealer a property receipt that includes at least the following:
    1. The name and telephone number of the Department.
    2. The name and telephone number of the officer.
    3. The case number related to the confiscation.
2. Deliver the item to the Evidence Room.

When a confiscated item is no longer needed for an investigation or prosecution, it may be returned to a registered owner only after giving the operator or dealer from whom the item was seized written notice of intent to do so. The written notice should include notice of the right of the operator or dealer to make a written request for return of the item and that if the Department does not return the item within 48 hours of the request, excluding Saturday, Sunday or legal holidays, the operator or dealer may file a petition for the return of the item in the district court in the district in which the property was seized (Minn. Stat. § 626.04).

609.6 TERMINATION OF HOLD OR NOTICE TO CONFISCATE

At the conclusion of any investigation and prosecution, the officer who issued the investigative hold or a notice to confiscate property not yet confiscated shall notify the operator or dealer in writing that the hold or notice is no longer in effect (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

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Forensic Genetic Genealogy

610.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

610.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

610.2 POLICY

The West Hennepin Public Safety's use of FGG will be in coordination with prosecutors, the Medical Examiner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been

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pursued. Members will take reasonable steps to maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

610.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

a. Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
    1. The perpetrator of an unsolved felony.
    2. The unidentified human remains of a suspected homicide victim.
b. All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
c. An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

610.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required (Minn. Stat. § 325F.995).

In the case of unidentified human remains, the lead investigator should also consult with the Medical Examiner.

610.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

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610.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

a. Eliminate an individual as a potential suspect in the case.
b. Link an individual to the case as a potential suspect.
c. Identify human remains.

610.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

610.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

a. Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

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b. If applicable, consult with the Medical Examiner for an amendment to a certificate of death.

610.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

610.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the Patrol Sergeant and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Evidence Room Policy for guidelines regarding biological evidence, including DNA samples.

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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.

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 appropriate Sergeant 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 Director of Public Safety or appropriate Sergeant. 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 Director of Public Safety or appropriate Sergeant should review the request and approved or deny the request as appropriate.

700.3.1 DEFINITIONS

Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee’s immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Sergeant 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 Director of Public Safety, who will then forward the claim to the Finance Department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee’s immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

a. A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

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b. A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his /her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Sergeant.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The West Hennepin Public Safety allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be

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used for personal business either on- or off-duty unless authorized by the Director of Public Safety or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Director of Public Safety or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

1. Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
2. The Department accepts no responsibility for loss of or damage to a personally owned PCD.
3. The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
4. The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.
    1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
    2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
    3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
5. The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Director of Public Safety or the authorized designee.
6. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
7. All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the West Hennepin Public Safety and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and

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communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

701.5.1 PUBLIC RECORDS

Work related information including data created, received, recorded or stored on a personally owned PCD in the course of department duties is considered government data subject to the requirements of the Minnesota Government Data Practices Act and discovery obligations (Minn. Stat. § 13.01 et seq.).

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

a. A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
b. All PCDs in the workplace shall be set to silent or vibrate mode.
c. A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
d. Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
e. Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Director of Public Safety or the authorized designee.
f. Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
g. Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

a. Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
b. Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
    1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
    2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Director of Public Safety or the authorized designee.

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701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters involving official duties and, where practicable, stop the vehicle at an appropriate location to use the PCD (Minn. Stat. § 169.475).

Except in an emergency, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Minn. Stat. § 169.475). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspection and repair as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as reasonably possible. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 10 emergency road flares
- 2 Cans of marking paint
- 2 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket

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- 1 fire extinguisher
- PPE's including protective gloves
- 1 sharps container
- 1 traffic safety vest

- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera
- Lock out tool kit
- Water Life Presever and rope bag
- Tire Deflating Device
- 8 traffic cones

702.3.2 UNMARKED VEHICLES

An employee driving an unmarked department vehicle shall ensure that, at minimum, the equipment listed below is present in the vehicle:

- 10 emergency road flares
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket
- PPE's including protective gloves
- 1 sharps container
- 1 hazardous waste disposal bag
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 camera

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

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Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Not public data should be placed in a designated receptacle provided for the shredding of this matter.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of West Hennepin Public Safety to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

703.2 POLICY

The West Hennepin Public Safety provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Sergeant shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Sergeant. A notation will be made on the shift assignment roster indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.3 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member’s chain of command.

703.3.4 AUTHORIZED PASSENGERS

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Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.5 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.6 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.7 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.8 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Director of Public Safety. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

a. The circumstances are unplanned and were created by the needs of the Department.

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b. Other reasonable transportation options are not available.
c. The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the West Hennepin Public Safety City limits.
d. Off-street parking will be available at the member's residence.
e. Vehicles will be locked when not attended.
f. All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.2 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of West Hennepin Public Safety is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of West Hennepin Public Safety may be required to secure the vehicle at a designated location or the Department at the discretion of the Director of Public Safety.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

1. Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Director of Public Safety or a Sergeant gives authorization.
2. Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
3. Vehicles will not be used when off-duty except:
    1. In circumstances when a member has been placed on call by the Director of Public Safety or Sergeants and there is a high probability that the member will be called back to duty.
    2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
    3. When the member has received permission from the Director of Public Safety or Sergeants.
    4. When the vehicle is being used by the Director of Public Safety, Sergeants or members who are in on-call administrative positions.
    5. When the vehicle is being used by on-call investigators.
4. While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
5. The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
6. Unattended vehicles are to be locked and secured at all times.
    1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).

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2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

7. Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Director of Public Safety or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
8. Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
    1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
    2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
9. The member is responsible for the care and maintenance of the vehicle.

703.4.3 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Director of Public Safety or the authorized designee.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the West Hennepin Public Safety or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

a. Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
b. It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
c. All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

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d. The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
e. When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
f. All weapons shall be removed from any vehicle left for maintenance.
g. Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Shift Sergeant on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any collision report shall be filed with the agency having jurisdiction (see the Traffic Collisions Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROADS

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

1. Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
2. Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Sergeant within five working days explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Evidence Room and Informants policies.

704.2 PETTY CASH FUNDS

The Director of Public Safety shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.3 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.4 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Director of Public Safety, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Director of Public Safety.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Director of Public Safety or the City.

704.5 ROUTINE CASH HANDLING

Those who handle cash as part of their property or West Metro Drug Task Force supervisor duties shall discharge those duties in accordance with the Evidence Room and Informants policies.

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Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.6 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Evidence Room and Informants policies.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

704.7 POLICY

It is the policy of the West Hennepin Public Safety to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The West Hennepin Public Safety endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Workplace Accident and Injury Reduction Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed industry standards for use at firing ranges (29 CFR 1910.95; Minn. R. 5205.0010).

705.5 EYE PROTECTION

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Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Fire Arms Instructor shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133; Minn. R. 5205.0010).

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg, and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Administration Sergeant is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; Minn. R. 5205.0010):

a. Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
b. Fit testing, including identification of members or contractors qualified to conduct fit testing.
c. Medical evaluations.
d. PPE inventory control.
e. PPE issuance and replacement.
f. Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
g. Regularly reviewing the PPE plan.
h. Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect

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respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; Minn. R. 5205.0010):

a. It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
b. The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
c. The member needs to replace the respirator, filter, cartridge, or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; Minn. R. 5205.0010):

a. Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
b. Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
c. Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
d. Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; Minn. R. 5205.0010).

A scene commander may order the use of gas masks in situations where the use of an SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

a. They smell, taste, or are irritated by a contaminant.

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b. They experience difficulty breathing due to filter loading.
c. The cartridges or filters become wet.
d. The expiration date on the cartridges or canisters has been reached.

705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include but are not limited to:

a. Entering the hot zone of a hazardous materials incident.
b. Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
c. Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; Minn. R. 5205.0010).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; Minn. R. 5205.0010):

a. At least once every 12 months.
b. Whenever there are changes in the type of SCBA or facepiece used.
c. Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; Minn. R. 5205.0010):

a. The member has completed a medical evaluation that includes a medical evaluation questionnaire.
b. A physician or other licensed health care professional has reviewed the questionnaire.
c. The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

1. PPE training.

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2. Initial fit testing for respiratory protection equipment.
3. Annual fit testing.
4. Respirator medical evaluation questionnaires and any subsequent physical examination results.
    1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020, and Minn. R. 5205.0010.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; Minn. R. 5205.0010).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; Minn. R. 5205.0010).

705.10 LIFE JACKETS

The Administration Sergeant should ensure watercraft used by members are equipped with U.S. Coast Guard approved life jackets and that members who work over or near water where there is a danger of drowning are provided properly fitting U.S. Coast Guard approved life jackets.

Members are responsible for wearing provided life jackets when working over or near water where there is a danger of drowning.

Each member is responsible for inspecting the member’s provided life jacket before and after each use. Damaged or defective jackets should be taken out of service and the Administration Sergeant notified so a replacement can be issued.

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Policy Title DOD LESO (1033 Program)

706.1 DOD LESO

West Hennepin Public Safety Department participates in the DOD LESO program that is administered and overseen by the state of Minnesota. The MN Department of Public safety, Division of Homeland security and Emergency Management provides the oversight and management for all Law Enforcement agencies within the state.

The West Hennepin Public Safety Department will work with the MN state LESO coordinator to acquire, transfer, and inventory all LESO property assigned to the department.

706.2 ADMINISTRATOR

The Director of Public Safety will assign a Main Point of Contact or administrator of the program for the department.

The administrator will be the main point of contact for Minnesota state HSEM personnel and DOD personnel. The administrator will also oversee all annual inventories and audits conducted. The administrator will also ensure that the State Plan of Operation is completed, and the department is certified annually. The administrator will be in charge keeping all paperwork and records associated with the program.

The administrator will be tasked with looking for excess property that can be of use to the department. The administrator will approve all property transfers found through the Director of Public Safety for final approval for the police department. The administrator will forward all paperwork including 1348s from the transfers to the public safety department.

706.3 PROPERTY

All transferred property will be inventoried and used by the West Hennepin Public Safety department personnel for official duties only.

The transferred property will not be loaned to other groups or entities that are not authorized to participate in the program. If temporally loaned to an authorized participant in the program, an Equipment Custody Receipt will be documented.

Property can be permanently transferred only if approved by LESO through the state coordinator.

All received controlled property will be kept secured. All other property will be documented as to who has control of it and its use. Demil A and Q6 property will be become the property of West Hennepin Public Safety Department after one year and no longer be included on the LESO annual inventories.

All personnel issued property from the LESO program will be trained on its use and maintenance. The use of the property will be authorized and evaluated by a supervisor.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting its tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and probation records
- Computer Aided Dispatch data
- Department of Public Safety - Crime Records Service

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should

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be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence Procedures

801.1 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.

801.2 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.

801.3 EVIDENCE ROOM SECURITY

The Property and Evidence Specialist shall maintain secure storage and control of all property necessitating custody by the Department. The Property and Evidence Specialist reports to the Sergeant and is responsible for the security of the Evidence Room. The Evidence Room door code/keys are maintained only by the Sergeant and the Property and Evidence Specialist with the approval of the Director of Public Safety. The Sergeant and the Property and Evidence Specialist shall not loan Evidence Room door code or keys to anyone.

Any individual entering the Evidence Room must 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, if available.

801.4 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room, along with the property label. Care shall be taken to maintain the chain of custody for all evidence.

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Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04 (a)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04 (b) and Minn. Stat. § 629.361).

An officer arresting a person for committing or aiding in committing a robbery, carjacking, or theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in the officer's custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. Documentation of recovery and release shall be made in the incident report.

801.4.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

a. Complete the property entry into the case file in LETG describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
b. The employee shall mark each item of evidence with initials and date.
c. Items too small to mark, or that will be damaged or degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
d. Complete an evidence/property label and attach it to each package or envelope in which the property is stored.
e. When the property is too large to be placed in a property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property label placed into a numbered property locker indicating the location of the property.

801.4.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify a supervisor. The Bomb Squad will be contacted through the State Duty Officer 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.

801.4.3 EXCEPTIONAL HANDLING

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Certain property items require a separate process. The following items shall be processed in the described manner:

a. Bodily fluids such as blood or semen stains shall be air-dried prior to booking.
b. All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property and Evidence Specialist or placed in the bicycle storage area.
c. 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.
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 label.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. Formal booking is not required. Documentation of recovery and release shall be made in the incident report. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.4.4 COURT-ORDERED FIREARM SURRENDERS

1. Although not required, this department generally will accept firearms surrendered by an abusing party or defendant pursuant to a court order. A decision to refuse a surrendered firearm should be approved by a supervisor (Minn. Stat. § 260C.201, Subd. 3; Minn. Stat. § 518B.01, Subd. 6; Minn. Stat. § 609.2242, Subd. 3; Minn. Stat. § 609.749, Subd. 8; Minn. Stat. § 624.7175).
2. Members accepting surrendered firearms should complete a standardized Firearms Proof of Transfer form, if available. If the surrender relates to an extreme risk protection order, the individual should be provided with a copy of the Proof of Transfer form (Minn. Stat. § 624.7175). If a standard form is not available, an evidence /property form should be used and include the following information:
    1. Whether the firearm is being transferred temporarily or permanently
    2. The abusing party or defendant's name
    3. The date and time of the transfer
    4. Complete description of all firearms surrendered (e.g., make, model, serial number, color, identifying marks)
3. In certain circumstances, a court may issue an order for the immediate transfer of firearms of an abusing party or defendant.
    1. The Department may serve the court order either by assignment or when an officer comes into contact with an abusing party or defendant for which a court order has been issued but has not been served, or for which they are in violation. In such cases, if there are firearms that may be lawfully seized, they should be seized and submitted to the Evidence Room pursuant to standard protocol.
    2. If the abusing party or defendant is not cooperative, seek guidance from legal counsel to ensure that firearms are seized lawfully.
    3. Permits possessed by the abusing party or defendant should be returned to the Sheriff where the person resides.

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4. The Property and Evidence Specialist shall develop and maintain a process to store, transfer, or release firearms ordered surrendered by a court. The procedures shall:
    1. Provide for adequate storage and protection so as to preserve the condition of the firearms.
    2. Require a valid court order or written notice from the abusing party or defendant to be presented before any transfer of the firearms.
    3. Ensure that recipients of transferred firearms are not legally prohibited from possession of firearms under state or federal law.
    4. Ensure that proper affidavits or proof of transfer are obtained from any designated firearms dealer or third party.
    5. Ensure that prior to disposition of unclaimed firearms, abusing parties or defendants are notified via certified mail.

801.4.5 RECOVERED OR CONFISCATED FIREARMS

The Property and Evidence Specialist shall establish a process to transmit all required information to the United States Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center's eTrace system for any firearm recovered or confiscated as soon as practicable, in accordance with Minn. Stat. § 626.5536.

801.5 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

a. Controlled substances
b. Firearms (ensure they are unloaded and booked separately from ammunition)
c. Property with more than one known owner
d. Drug paraphernalia
e. Fireworks
f. Contraband

801.5.1 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.

801.5.2 CONTROLLED SUBSTANCES

All controlled substances shall be packaged separately using a separate property record. Drug paraphernalia shall also be packaged separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated property locker.

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The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in a designated property locker. Prior to packaging, and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the results of this test shall be included in the officer's report.

Controlled substances shall be packaged in plastic evidence packaging of appropriate size.. The booking officer shall initial the sealed packageControlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs separate from 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 label. 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. Controlled substances shall be double bagged prior to submission to evidence intake.

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 supervisor.

A completed property label shall be attached to the outside of the package.

801.5.3 RIGHT OF REFUSAL

The Property and Evidence Specialist has the right to refuse any piece of property that is not properly documented or packaged. Should the Property and Evidence Specialist 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.

801.6 RECORDING OF PROPERTY

The Property and Evidence Specialist receiving custody of evidence or property shall maintain a property record for each piece of property received. The property record will be the record of the property in the Evidence Room. The Property and Evidence Specialist will record his/her signature, GPW if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored in the property record

A property record shall be maintained and a unique property number created for each piece of property received. The property record shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property record.

Any changes in the location of property held by the West Hennepin Public Safety shall be noted in the property logbook.

801.7 PROPERTY CONTROL

Each time the Property and Evidence Specialist receives property or releases property to another person, he/she shall enter this information in the records management system. Officers desiring property for court shall contact the Sergeant or Property and Evidence Specialist at least one day prior to the court day.

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801.7.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor, detective, or the Property and Evidence Specialist.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the Property and Evidence Specialist. This request may be filled out any time after booking of the property or evidence.

801.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the property record. The assigned detective will complete the appropriate agency's lab submission form and provide that upon delivery. Documentation of the date and time of submission, as well as who the property was released to, shall be made in the case file.

801.7.3 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 in the property record, stating the date, time and to whom it was released.

The Property and Evidence Specialist 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 in the property record, indicating date, time and the person who returned the property.

801.7.4 AUTHORITY TO RELEASE PROPERTY

The Property and Evidence Specialist shall not release any property without a signed authorization from an appropriate authorized member of the Department. The supervisor or assigned detective 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, the Property and Evidence Specialist 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.

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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.

801.7.5 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 all property shall be properly documented in the property record.

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 60 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 60 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 the property record.

The Property and Evidence Specialist or designee 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 in the property record.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation.

801.7.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department may 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 Department.
b. Satisfactory proof of ownership of the property is shown by the owner.
c. A declaration of ownership is signed under penalty of perjury.
d. A receipt for the property is obtained from the owner upon delivery.

801.7.7 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.

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801.7.8 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.

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 may be processed for disposal consistent with this policy.

801.8 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Specialist shall request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

801.8.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances.
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Controlled substances.
- Unclaimed, stolen or embezzled property.
- Destructive devices.

Money found in gambling devices by any peace officer, other than a municipal police officer, shall be paid into the county treasury. Money found in gambling devices by a municipal police officer shall be paid into the treasury of the municipality (Minn. Stat. § 626.04 (b)).

801.8.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in this policy Minn. Stat. § 345.38 and Minn. Stat. § 345.75).

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801.8.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Specialist shall ensure that no biological evidence held by the Department is destroyed without approval of the prosecuting attorney and adequate notification to any sexual assault victim

Biological evidence shall be retained for a minimum period established by law 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 Sergeant.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Director of Public Safety and the head of the applicable prosecutor's office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Property and Evidence Specialist determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

801.9 REPORT OF ABANDONED PROPERTY (MONEY)

The Property and Evidence Specialist shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending June 30 each year and is to be filed before November 1 each year (Minn. Stat. § 345.41).

801.10 INSPECTIONS OF THE EVIDENCE ROOM

On a bi-monthly basis, the Sergeant shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

a. The access log shall be reviewed to ensure proper documentation of entry and exit is being made.
b. Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Director of Public Safety.
c. An annual audit of evidence held by the Department shall be conducted by The Director of Public Safety, or designee, who is not routinely or directly connected with evidence control.
d. 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.

801.11 MN STATE RETENTION GUIDELINES

State Evidence Retention Guide 2025.pdf

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Records Center

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the West Hennepin Public Safety Records Center. The policy addresses department file access and internal requests for case reports.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Center by Records Center personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 000001 starting at midnight on the first day of January of each year. As an example, case number 10-000001 would be the first new case beginning January 1, 2010.

802.2 POLICY

It is the policy of the West Hennepin Public Safety to maintain department records securely, professionally, and efficiently.

802.3 FILE ACCESS AND SECURITY

The security of files in the Records Center must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Center, accessible only by authorized members of the Records Center. Access to case reports or files when Records Center staff is not available may be obtained through the Shift Sergeant.

The Records Center will also maintain a secure file for case reports deemed by the Director of Public Safety as sensitive or otherwise requiring extraordinary access restrictions.

802.4 RECORDS MANAGER TRAINING

The Records 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).

802.5 RESPONSIBILITIES

802.5.1 RECORDS MANAGER

The Director of Public Safety shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administration Sergeant or the authorized designee.

The responsibilities of the Records Manager include, but are not limited to:

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a. Overseeing the efficient and effective operation of the Records Center.
b. Scheduling and maintaining Records Center time records.
c. Supervising, training, and evaluating Records Center staff.
d. Maintaining and updating a Records Center procedure manual.
e. Ensuring compliance with established policies and procedures.
f. Supervising the access, use, and release of protected information (see the Protected Information Policy).
g. Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
    1. Homicides
    2. Cases involving department members or public officials
    3. Any case where restricted access is prudent

802.5.2 RECORDS CENTER

The responsibilities of the Records Center include but are not limited to:

a. Maintaining a records management system for case reports.
    1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
b. Entering case report information into the records management system.
    1. Modification of case reports shall only be made when authorized by a supervisor.
c. Providing members of the Department with access to case reports when needed for investigation or court proceedings.
d. Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
e. Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
f. Identifying missing case reports and notifying the responsible member's supervisor.
g. Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e. g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
    1. Officer suicides
    2. Officer misconduct
    3. Uses of force
    4. Officer deaths or assaults
    5. Crime incidents
    6. Deaths in custody
h. Transmitting data annually to the superintendent of the Bureau of Criminal Apprehension on the number of mobile tracking device search warrants obtained by the Department as provided in Minn. Stat. § 626A.35.
i. Transmitting carjacking information annually to the Commissioner of Public Safety as provided in Minn. Stat. § 626.5535.

802.6 CONFIDENTIALITY

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Records Center

Records Center staff has access to information that may be confidential or sensitive in nature. Records Center staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Center procedure manual.

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Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential Data on Individuals - Data classified as confidential by state or federal law and that identifies individuals and cannot be disclosed to the public or even to the individual who is the subject of the data (Minn. Stat. § 13.02, Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities (Minn. Stat. § 13.85, Subd. 1).

Data on Individuals - All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual (Minn. Stat. § 13.02, Subd. 5).

Government Data - Data collected, created, received, maintained or disseminated by this department regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02, Subd. 7).

Private Data - Data classified as private by state or federal law and that identifies individuals that are only available to the individual who is the subject of the data or with the individual's consent (Minn. Stat. § 13.02, Subd. 12).

803.2 POLICY

The West Hennepin Public Safety is committed to providing public access to records and data in a manner that is consistent with the Minnesota Government Data Practices Act (MGDPA) and Official Records Act (Minn. Stat. § 13.03; Minn. Stat. § 15.17).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Director of Public Safety shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

1. Managing the records management system for the Department, including the retention, archiving, release, and destruction of department data (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7).
2. Maintaining and updating the department records retention schedule, including:
    1. Identifying the minimum length of time the Department must keep data.

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    2. Identifying the department division responsible for the original data.
3. Establishing rules regarding the inspection and copying of department data as reasonably necessary for the protection of such data.
4. Identifying data or portions of data that are confidential under state or federal law and not open for inspection or copying.
5. Establishing rules regarding the processing of subpoenas for the production of data.
6. Ensuring a current schedule of fees for public data as allowed by law is available.
7. Ensuring the posting or availability to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Department, and any associated fees (Minn. Stat. § 13.025).
8. Ensuring data created by the Department is inventoried and subject to inspection and release pursuant to lawful requests consistent with the MGDPA requirements (Minn. Stat. § 13.03, Subd. 1).
9. Ensuring that the current version of each department policy identified in Minn. R. 6700.1615 is posted on the department's website or otherwise posted in the public area of the Department in accordance with Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for data shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for data is subject to the following:

1. A person shall be permitted to inspect and copy public government data upon request at reasonable times and places and shall be informed of the data's meaning if requested (Minn. Stat. § 13.03, Subd. 3).
    1. The Department may not charge or require the requesting person to pay a fee to inspect data. Inspection includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03, Subd. 3(b)).
    2. For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03, Subd. 3(b)).
2. 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)).
3. The Department is not required to create records that do not exist.
4. The Custodian of Records or designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release or denied. The Custodian of Records or designee shall inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as reasonably possible. The Custodian of Records or designee shall cite the specific statutory

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section, temporary classification or specific provision of state or federal law on which the determination is based. Upon the request of any person denied access to data, the denial shall be certified in writing (Minn. Stat. § 13.03, Subd. 3 (f)).

5. When a record contains data with release restrictions and data that is not subject to release restrictions, the restricted data shall be redacted and the unrestricted data released.
    1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

1. Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
2. Private data on the following individuals (Minn. Stat. § 13.82, Subd. 17):
    1. An undercover law enforcement officer
    2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a violation of Minn. Stat. § 617.246, Subd. 2
    3. A paid or unpaid informant if the Department reasonably believes revealing the identity would threaten the personal safety of the informant
    4. A victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the Department reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual
    5. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller
    6. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness
    7. A mandated reporter
    8. A judicial official as described in Minn. Stat. § 480.40 (Minn. Stat. § 13.991)
3. Audio recordings of calls placed to the 9-1-1 system requesting law enforcement, fire, or medical agency response, except that a written transcript of the call is public unless it reveals the identity of protected individuals (Minn. Stat. § 13.82, Subd. 4).
4. Criminal investigative data involving active cases and inactive investigative data (Minn. Stat. § 13.82, Subd. 7):

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1. If the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted.
2. Images and recordings, including photographs, video, and audio records that are clearly offensive to common sensibilities. However, the existence of any such image or recording shall be disclosed.
3. As otherwise restricted by law.

5. Juvenile records and data (Minn. Stat. § 260B.171).
6. State criminal history data held in the Bureau of Criminal Apprehension (BCA) database, including but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, and custody and supervision data (Minn. Stat. § 13.87).
7. Traffic collision reports and related supplemental information (Minn. Stat. § 169.09, Subd. 13).
8. Corrections and detention data (Minn. Stat. § 13.85).
9. Personnel data except, unless otherwise restricted (Minn. Stat. § 13.43, Subd. 2):
    1. Name, employee identification number, and some aspects of compensation
    2. Job title, bargaining unit, job description, education and training background, and previous work experience
    3. Date of first and last employment
    4. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action
    5. Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this department
    6. Terms of any agreement settling any dispute arising out of an employment relationship
    7. Work location, work telephone number, badge number, and honors and awards received
    8. Time sheets or other comparable data only used to account for an employee's work time for payroll purposes, excluding the use of sick or other medical leave or other nonpublic data
    9. All other personnel data regarding employees of this department are private data and may only be released as authorized by that classification
10. 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).
11. All data collected by an Automated License Plate Reader (ALPR) on individuals or nonpublic data absent an exception (Minn. Stat. § 13.82; Minn. Stat. § 13.824).
12. Response or incident data, so long as the Custodian of Records determines that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection, or destroy evidence (Minn. Stat. § 13.82, Subd. 14).
13. Any data on individuals receiving peer counseling or critical incident stress management services (Minn. Stat. § 13.02, Subd. 12; Minn. Stat. § 181.9731; Minn. Stat. § 181.9732).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

803.6 SUBPOENAS AND DISCOVERY REQUESTS

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Any member who receives a subpoena duces tecum or discovery request for data should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the City Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released shall include the department name and to whom the record was released.

803.8 EXPUNGEMENT

A petition for expungement and expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records.

803.8.1 PETITION FOR EXPUNGEMENT

When responding to a petition for expungement, the Custodian of Records shall inform the court and the individual seeking expungement that the response contains private or confidential data (Minn. Stat. § 609A.03, Subd. 3).

803.8.2 ORDERS OF EXPUNGEMENT

The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

Upon request by the individual whose records are to be expunged, the Custodian of Records must send a letter at an address provided by the individual confirming the receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, Subd. 8).

Expunged records may be opened only by court order (Minn. Stat. § 609A.03, Subd. 7).

Expunged records of conviction may be opened for purposes of evaluating a prospective employee of the Department without a court order.

The Custodian of Records shall inform any law enforcement, prosecution or corrections authority, upon request, of the existence of a sealed record and of the right to obtain access to it.

803.9 MAINTENANCE OF CLOSED RECORDS

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Records Maintenance and Release

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure. Closed records shall be kept separate from public records and shall remain confidential.

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Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the West Hennepin Public Safety. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the government data information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the West Hennepin Public Safety and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the West Hennepin Public Safety will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Director of Public Safety shall select a member of the Department to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include but are not limited to:

a. Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA), and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).
b. Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the West Hennepin Public Safety CJIS Security Policy for additional guidance.
c. Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
d. Developing procedures to ensure training and certification requirements are met.
e. Resolving specific questions that arise regarding authorized recipients of protected information.
f. Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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g. Ensuring a comprehensive security assessment of any personal information maintained by the West Hennepin Public Safety is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).
h. Ensuring CIBRS is notified within 10 days that an investigation in CIBRS has become inactive (Minn. Stat. § 299C.40).

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, West Hennepin Public Safety policy, or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Security Policy for additional guidance.

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Center to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.5.1 REVIEW OF CHRI

Members of this department shall refer individuals seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87, Subd. 1(b)).

804.5.2 REVIEW OF CIBRS DATA

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An individual who is the subject of private data held by CIBRS may request access to the data by making a request to the Records Manager. If the request is to release the data to a third party, the individual who is the subject of private data must appear in person at the Department to give informed consent to the access or release.

Private data provided to the individual must also include the name of the law enforcement agency that submitted the data to CIBRS and the name, telephone number and address of the agency responsible for the data.

A person who is the subject of private data may challenge the data. The Records Manager shall review the challenge and determine whether the data should be completed, corrected or destroyed. The corrected data must be submitted to CIBRS and any future dissemination must be of the corrected data.

The Records Manager must notify BCA as soon as reasonably practicable whenever data held by CIBRS is challenged. The notification must identify the data that was challenged and the subject of the data.

804.6 SECURITY OF PROTECTED INFORMATION

The Director of Public Safety will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

a. Developing and maintaining security practices, procedures, and training.
b. Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
c. Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
d. Tracking, documenting, and reporting all breach of security incidents to the Director of Public Safety and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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804.8 SECURITY BREACHES

In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the Director of Public Safety or designee shall ensure an investigation into the breach is made. Upon completion of the investigation and final disposition of any disciplinary action, a report containing the facts and result of the investigation shall be prepared. If the breach was conducted by an employee, contractor or agent of West Hennepin Public Safety, the report must include a description of the type of data that was breached, the number of individuals whose information was breached, the disposition of any related disciplinary action, and the identity of the employee determined to be responsible for the breach (Minn. Stat. § 13.055).

Written notice shall be given to any individual whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person as soon as reasonably practicable. The notice shall include the following (Minn. Stat. § 13.055):

(a) Notification that an investigation will be conducted.

(b) Notification that a report containing the facts and results will be prepared.

(c) Information on how the person may obtain access to the report, including that he/she may request delivery of the report by mail or email.

The notice may be delayed only so long as necessary to determine the scope of the breach and restore the reasonable security of the data or so long as it will impede an active criminal investigation. Notice shall be made by first class mail, electronic notice or substitute notice as provided in Minn. Stat. § 13.055, Subd. 4. If notification is required to be made to more than 1,000 individuals, notice to all consumer reporting agencies of the timing distribution and content of the notices must also be made (Minn. Stat. § 13.055, Subd. 5).

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[Animal Control]

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY

It is the policy of the West Hennepin Public Safety to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

1. There is a threat to public safety.
2. An animal has bitten someone; members should take measures to confine the animal and prevent further injury.
3. An animal is creating a traffic hazard.
4. An animal is seriously injured.
5. The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
    1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
    2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
    3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.4 INJURED ANIMALS

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When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler.

If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.5 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured domesticated animal shall only be euthanized with the approval of a supervisor.

805.6 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to (Minn. Stat. § 343.21 et seq.):

1. An investigation should be conducted on all reports of animal cruelty.
2. Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty (Minn. Stat. § 343.29).
    1. An officer may remove, shelter and care for any animal that is not properly sheltered from cold, heat or inclement weather, or any animal not properly fed and watered or provided with suitable food and drink, in circumstances that threaten the life of the animal.
    2. An animal taken into care during an animal cruelty investigation may be euthanized following a determination by a doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment.

805.7 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

805.7.1 ANIMAL BITES TO HUMANS

Members should coordinate with appropriate animal authorities to ensure that animals who have bitten a human are quarantined for rabies observation as required by Minn. R. 1721.0580.

805.8 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted (Minn. Stat. § 343.29), if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.9 DANGEROUS ANIMALS

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In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality of life issues.

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Hennepin County Sheriffs Office Dispatch

806.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Hennepin County Sheriffs Office Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

806.2 POLICY

It is the policy of the West Hennepin Public Safety to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Hennepin County Sheriffs Office Dispatch and department members in the field.

806.3 HENNEPIN COUNTY SHERIFFS OFFICE DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Hennepin County Sheriffs Office Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Hennepin County Sheriffs Office Dispatch.

Access to Hennepin County Sheriffs Office Dispatch shall be limited to Hennepin County Sheriffs Office Dispatch members, the Shift Sergeant, command staff and department members with a specific business-related purpose.

806.4 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 (Minn. Stat. § 373.041 Subd. 4):

- The apprehension of criminals.
- The prevention of crime.
- The maintenance of peace and order throughout the area serviced by the broadcasting station or stations.

806.5 RESPONSIBILITIES

806.5.1 COMMUNICATIONS SUPERVISOR

The Director of Public Safety shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Patrol Sergeant or the authorized designee.

The responsibilities of the Communications Supervisor include, but are not limited to:

1. Overseeing the efficient and effective operation of Hennepin County Sheriffs Office Dispatch in coordination with other supervisors.

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2. Scheduling and maintaining [dispatcher] time records.
3. Supervising, training and evaluating [dispatcher]s.
4. Ensuring the radio and telephone recording system is operational.
    1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
5. Processing requests for copies of Hennepin County Sheriffs Office Dispatch information for release.
6. Maintaining Hennepin County Sheriffs Office Dispatch database systems.
7. Maintaining and updating Hennepin County Sheriffs Office Dispatch procedures manual.
    1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
    2. Ensuring [dispatcher] compliance with established policies and procedures.
8. Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
9. Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

806.5.2 ADDITIONAL PROCEDURES

The Communications Supervisor should establish procedures for:

a. Recording all telephone and radio communications and playback issues.
b. Storage and retention of recordings.
c. Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
d. Availability of current information for [dispatcher]s (e.g., Shift Sergeant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
e. Assignment of field members and safety check intervals.
f. Emergency Medical Dispatch (EMD) instructions.
g. Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
h. Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
i. Protection of radio transmission lines, antennas and power sources for Hennepin County Sheriffs Office Dispatch (e.g., security cameras, fences).
j. Handling misdirected, silent and hang-up calls.
k. Handling private security alarms, if applicable.
l. Radio interoperability issues.

806.5.3 [DISPATCHER]S

[Dispatcher]s report to the Communications Supervisor. The responsibilities of the [dispatcher] include, but are not limited to:

1. Receiving and handling all incoming and transmitted communications, including:
    1. Emergency 9-1-1 lines.

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2. Business telephone lines.
3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

2. Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
3. Inquiry and entry of information through Hennepin County Sheriffs Office Dispatch, department and other law enforcement database systems (e.g., the Minnesota Division of Driver and Vehicle Services (DVS), the Minnesota Bureau of Criminal Apprehension (BCA) and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS)).
4. Monitoring department video surveillance systems.
5. Maintaining the current status of members in the field, their locations and the nature of calls for service.
6. Notifying the Shift Sergeant or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.

806.6 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the [dispatcher] will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the [dispatcher] determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the [dispatcher] determines that the caller is a limited English proficiency (LEP) individual, the [dispatcher] should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Hennepin County Sheriffs Office Dispatch, the [dispatcher] should immediately connect the LEP caller to the authorized interpreter.

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If no authorized interpreter is available or the [dispatcher] is unable to identify the caller's language, the [dispatcher] will contact the contracted telephonic interpretation service and establish a three-party call connecting the [dispatcher], the LEP individual and the interpreter.

[Dispatcher]s should be courteous, patient and respectful when dealing with the public.

806.6.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the [dispatcher] has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Sergeant shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

806.6.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the [dispatcher] to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the [dispatcher] returning to the telephone line or when there will be a delay in the response for service.

806.7 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by [dispatcher]s to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

a. Members acknowledging the [dispatcher] with their radio identification call signs and current location.
b. [Dispatcher]s acknowledging and responding promptly to all radio transmissions.
c. Members keeping the [dispatcher] advised of their status and location.
d. Member and [dispatcher] acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

806.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

West Hennepin Public Safety radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

806.7.2 RADIO IDENTIFICATION

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Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. [Dispatcher]s shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the [dispatcher]. The use of the call sign allows for a brief pause so that the [dispatcher] can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

806.8 DOCUMENTATION

It shall be the responsibility of Hennepin County Sheriffs Office Dispatch to document all relevant information on calls for service or self-initiated activity. [Dispatcher]s shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

806.9 CONFIDENTIALITY

Information that becomes available through Hennepin County Sheriffs Office Dispatch may be confidential or sensitive in nature. All members of Hennepin County Sheriffs Office Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as DVS records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

806.10 CPR TRAINING

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Members authorized to answer calls for service shall be trained in providing CPR by telephone or transferring calls to the appropriate member or agency (Minn. Stat. § 403.03, Subd. 2).

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CJIS Access, Maintenance, and Security

808.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access, process, store, or transmit Criminal Justice Information.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

808.2 POLICY

It is the policy of the West Hennepin Public Safety to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

808.3 CJIS COORDINATOR

The Director of Public Safety shall appoint a CJIS coordinator, who shall be responsible for the West Hennepin Public Safety's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

808.3.1 CJIS COORDINATOR RESPONSIBILITIES

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

a. Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Minnesota Bureau of Criminal Apprehension (BCA).
b. Managing member accounts with access to CJI, including:
    1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.

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2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts, validating new passwords against known compromised or commonly used passwords).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

c. Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:
    1. Maintaining a list of organizations and personnel approved by the Director of Public Safety to perform maintenance on CJI systems.
    2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
    3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
    4. Maintaining records for all system maintenance and diagnostic activities.
d. Configuring remote access systems and devices only with the explicit authorization of the Director of Public Safety or the authorized designee, including:
    1. Routing through authorized and managed access control points (e.g., firewalls, secure gateways).
    2. Mandatory multi-factor authentication for users.
    3. Use of automated mechanisms to monitor and control remote access methods.
    4. Mandatory encryption (e.g., VPN, Transport Layer Security).
    5. Required logging of all remote access activity.
e. Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
f. Providing for the security of hardware that includes provisions for the following:
    1. How hardware is to be brought into and taken out of department facilities
    2. Physical security of hardware within department facilities
    3. Physical security of areas containing network connections and transmission lines, including monitored access
g. Implementing and carrying out the department Incident Response Plan, including:
    1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
    2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
    3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
    4. Providing information on security incidents to any third-party software developers or vendors as appropriate.
h. Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

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i. Developing and updating department information security and privacy literacy training and incident response training as required by policy.
j. Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.
k. Managing the development, documentation, and dissemination of applicable policies and procedures for the following:
    1. Access control
    2. Awareness and training
    3. Auditing and accountability
    4. Assessment, authorization, and monitoring
    5. Configuration management
    6. Contingency planning
    7. Identification and authentication
    8. Incident response
    9. Maintenance
    10. Media protection
    11. Physical and environmental protection
    12. Planning
    13. Personnel security
    14. Risk assessment
    15. System and services acquisition
    16. Systems and communications protection
    17. System and information integrity
    18. Supply chain risk management
l. Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Director of Public Safety.

808.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

808.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

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808.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Director of Public Safety or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

a. The account has expired.
b. The account is no longer associated with a member.
c. The account is found to be in violation of this policy.
d. The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

808.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

a. Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.
b. Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
c. Non-privileged members shall not be allowed to execute privileged functions.

808.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

808.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

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Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

808.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

808.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

a. Flaw remediation.
b. System monitoring.
c. Security alerts, advisories, and directives.
d. Software, firmware, and information integrity controls.
e. Spam protection.

808.9 INCIDENT RESPONSE PLAN

The agency will promptly report incident information to the appropriate party, disconnect the infected workstation, maintain all records around information security events and, once free from infection, reconnect. Any security incidents will be reported to the Bureau of Criminal Apprehension (BCA) ISO and will report such incidents within 24 hours of initial discovery.

808.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

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The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

808.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the West Hennepin Public Safety for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults who are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the West Hennepin Public Safety prior to being released or transported to a housing or other type of facility.

900.2 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four hours (Minn. R. 2945.0100; Minn. R. 2945.0120).

900.2.1 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

a. Authorized members entering for official business purposes.
b. Emergency medical personnel when necessary.
c. Any other person authorized by the Shift Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.2.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if

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needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.2.3 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 #324. Juveniles will not be permitted in the Temporary Holding Facility, unless lawfully arrested for a criminal offense.

900.3 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk handcuffs should generally be removed when the person is in a cell.

The use of restraints other than handcuffs or leg irons generally should not be used for individuals in temporary custody at the West Hennepin Public Safety unless the person presents a heightened risk and then only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.3.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.4 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy unless the individual requests a different disposition. For example an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient’s signature on the appropriate form.

Upon release of an individual from temporary custody his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or

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court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges there is a shortage or discrepancy regarding his /her property. The Shift Sergeant shall attempt to prove or disprove the claim.

All intangible personal property that is unclaimed for more than three years is presumed abandoned (Minn. Stat. § 345.38).

900.5 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented. The following requirements shall apply:

1. The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
2. The individual shall constantly be monitored by an audio/video system during the entire custody.
3. The individual shall have constant auditory access to department members.
4. The individual's initial placement into and removal from a locked enclosure shall be logged.
5. Safety checks by department members shall occur no less than every 15 minutes.
    a. Safety checks should be at varying times.
    b. All safety checks shall be logged.
    c. The safety check should involve questioning the individual as to his/her well-being.
    d. Individuals who are sleeping or apparently sleeping should be awakened.
    e. Requests or concerns of the individual should be logged.

900.6 ASSIGNED ADMINISTRATOR

The Patrol Sergeant will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

a. General security
b. Key control
c. Sanitation and maintenance
d. Emergency medical treatment
e. Escapes
f. Evacuation plans
g. Fire- and life-safety
h. Disaster plans
i. Building and safety code compliance

900.7 TRAINING

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Department members should be trained and familiar with this policy and any supplemental procedures.

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the West Hennepin Public Safety facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the West Hennepin Public Safety facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.3.1 PROPERTY

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Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Evidence Room Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's West Hennepin Public Safety identification number and information regarding how and when the property may be released.

901.3.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.4 STRIP SEARCHES

No individual in temporary custody at any West Hennepin Public Safety facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

a. The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
b. Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
    1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
c. Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
d. The individual's actions or demeanor.
e. Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations

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with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.4.1 STRIP SEARCH PROCEDURES

Strip searches at West Hennepin Public Safety facilities shall be conducted as follows (28 CFR 115.115):

a. Written authorization from the Shift Sergeant shall be obtained prior to the strip search.
b. All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
c. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
d. Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
e. Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
f. The primary member conducting the search shall prepare a written report to include:
    1. The facts that led to the decision to perform a strip search.
    2. The reasons less intrusive methods of searching were not used or were insufficient.
    3. The written authorization for the search, obtained from the Shift Sergeant.
    4. The name of the individual who was searched.
    5. The name and sex of the members who conducted the search.
    6. The name, sex, and role of any person present during the search.
    7. The time and date of the search.
    8. The place at which the search was conducted.
    9. A list of the items, if any, that were recovered.
    10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.
g. No member should view an individual's private underclothing, buttocks, genitalia, or female breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

901.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

a. There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

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b. There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

901.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

a. No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
b. Only a physician may conduct a physical body cavity search.
c. Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
d. Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
e. All such searches shall be documented, including:
    1. The facts that led to the decision to perform a physical body cavity search of the individual.
    2. The reasons less intrusive methods of searching were not used or were insufficient.
    3. The Shift Sergeant's approval.
    4. A copy of the search warrant.
    5. The time, date, and location of the search.
    6. The medical personnel present.
    7. The names, sex, and roles of any department members present.
    8. Any contraband or weapons discovered by the search.
f. A copy of the written authorization shall be retained and shall be provided to the individual who was searched or other authorized representative upon request.

901.6 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

a. Conducting searches of cross-gender individuals.

b. Conducting searches of transgender and intersex individuals.

c. Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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901.7 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.8 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Director of Public Safety or the authorized designee should establish procedures for the following:

a. Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
    1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
b. Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the West Hennepin Public Safety and that are promulgated and maintained by the Personnel Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the West Hennepin Public Safety provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Sergeant shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

a. Establishment of a written recruitment plan.
    1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws, memorandum of understandings, or collective bargaining agreements.
b. Identification of racially and culturally diverse target markets.
c. Use of marketing strategies to target diverse applicant pools.
d. Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
e. Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
f. Employee referral and recruitment incentive programs.
g. Consideration of shared or collaborative regional testing processes.

The Administration Sergeant shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

a. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
b. Driving record
c. Personal and professional reference checks
d. Citizenship eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents (Minn. R. 6700.0700, Subp. 1). This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
e. Information obtained from public internet sites
    1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
f. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
g. Local, state, and federal criminal history record checks
h. Polygraph or voice stress analyzer examination (when legally permissible)
i. Medical and psychological examination (may only be given after a conditional offer of employment)
j. Review board or selection committee assessment
k. Relevant national and state decertification records, if available, including the National Decertification Index

1000.4.1 VETERAN'S 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. The following preference, credit and requirements shall be applied as applicable (Minn. Stat. § 197.455):

Nondisabled Veteran's Credit - There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of 10 points, provided that veteran obtained a passing rating on the examination without the addition of the credit points.

Disabled Veteran's Credit - There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 15 points, provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that:

a. The veteran obtained a passing rating on the examination without the addition of the credit points.
b. The veteran is applying for a first promotion after securing public employment.

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For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person has a compensable service-connected disability as adjudicated by the U.S. Veterans Administration, or by the retirement board of one of the several branches of the armed forces, that is existing at the time preference is claimed.

For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

Preference for Spouses - A preference available pursuant to Minn. Stat. § 197.455 may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.

Ranking of Veterans - An eligible applicant with a rating augmented by veteran's preference 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 West Hennepin Public Safety Personnel Department.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the West Hennepin Public Safety.

The background investigation must determine whether the candidate meets the standards established by the Minnesota Board of Peace Officer Standards and Training (POST) as well as the security standards established to access state and national computerized record and communication systems (Minn. Stat. § 626.87; Minn. R. 6700.0670; Minn. R. 6700.0700).

A background investigation is valid for six months after completion. If the candidate is not hired during the six months, the background investigation must be updated before a final offer of employment to the candidate is made (Minn. R. 6700.0670, Subp. 2).

1000.5.1 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule (Minn. R. 6700.0670, Subp. 2; Minn. R. 6700.0700, Subp. 2).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

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Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Sergeant should not require candidates to provide passwords, account information, or access to password-protected social media accounts (Minn. R. 6700.0670, Subp. 1).

The Administration Sergeant should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

a. The legal rights of candidates are protected.
b. Material and information to be considered are verified, accurate, and validated.
c. The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Sergeant should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and Minnesota law (15 USC § 1681d; Minn. Stat. § 13C.02).

1000.5.4 STATE NOTICES

Upon initiation of a candidate's background investigation, the Director of Public Safety or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days thereafter that includes the candidate's full name and date of birth and the candidate's peace officer license number, if applicable (Minn. Stat. § 626.87; Minn. R. 6700.0670, Subp. 3).

If the background investigation identifies a disqualification under the minimum selection standards in Minn. R. 6700.0700, the Director of Public Safety or the authorized designee shall provide written notice to POST as soon as practicable, but no later than ten days (Minn. R. 6700.0670, Supb. 3).

1000.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate’s background investigation file.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred

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- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by Minnesota POST (Minn. R. 6700.0700):

a. Citizen of, or eligible to work in, the United States (Minn. R. 6700.0700, Subp. 1)
b. Possess a valid driver's license
c. Free of any felony conviction
d. Not be required to register as a predatory offender under state law
e. Free of conviction of any controlled substance law or of any misdemeanor offense listed in Minn. R. 6700.0700
f. Have no record of engaging in discriminatory conduct, involvement with a hate or extremist group, or criminal gang
g. Fingerprinted for purposes of disclosure of any felony convictions
h. Submit to a medical examination and psychological evaluation required by Minn. R. 6700.0675 to ensure that the candidate is free from any physical, emotional, or mental condition which might adversely affect the candidate's performance of peace officer duties
i. Successfully complete a physical strength and agility examination
j. Successfully complete an oral examination

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1000.7.2 NOTIFICATION TO POST

The Director of Public Safety shall notify the POST Board of any candidate appointed to the position of peace officer before the first day of employment on a form provided by POST. The appointee may not exercise peace officer powers until the notification form is received and approved by POST Board (Minn. R. 6700.0800).

1000.8 PROBATIONARY PERIODS

The Administration Sergeant should coordinate with the West Hennepin Public Safety Personnel Department to identify positions subject to probationary periods and procedures for:

a. Appraising performance during probation.
b. Assessing the level of performance required to complete probation.
c. Extending probation.
d. Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The West Hennepin Public Safety 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 actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee’s immediate supervisor. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

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.

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1001.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Every Month	Evaluated Yearly	Length of Probation
Probationary Licensed Employees	X		1 Year
Non-Probationary LicensedEmployees		X	
ProbationaryCivilian Employees	X		1 Year
Non-Probationary, Civilian Employees		X	

1001.4.1 VOLUNTEER AND RESERVE OFFICER EVALUATIONS

Volunteer and reserve officer evaluations are covered in the Volunteer Program Policy.

1001.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary licensed personnel are evaluated daily, weekly and monthly during the probationary period.

1001.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three 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.

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Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

1001.6.1 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 - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

Meets Standards - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

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 unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the Employee Comments section of the performance evaluation report.

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1001.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Director of Public Safety. The Director of Public Safety shall review the evaluation for fairness, impartiality, uniformity and consistency. The Director of Public Safety shall evaluate the supervisor on the quality of ratings given.

1001.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Director of Public Safety 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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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the West Hennepin Public Safety.

1002.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the West Hennepin Public Safety Personnel Department.

1002.3 POLICY

The West Hennepin Public Safety determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Director of Public Safety.

1002.4 SPECIAL ASSIGNMENT POSITIONS

The following conditions are considered special assignments and not promotions:

a. Emergency Response Unit member
b. Investigator
c. officer
d. Field Training Officer
e. Community Relations/Training Officer
f. School Resource and/or Drug Abuse Resistance Education (D.A.R.E.)
g. Narcotics Agent
h. Firearms Instructor
i. Reserve Officer Coordinator
j. Crime Prevention Officer
k. Citizens Police Academy Coordinator

1002.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

a. Three years of relevant experience
b. Off probation
c. Possession of or ability to obtain any certification required by the Minnesota Board of Peace Officer Standards and Training or law
d. Exceptional skills, experience, or abilities related to the special assignment

1002.4.2 EVALUATION CRITERIA

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The following criteria will be used in evaluating candidates for a special assignment:

a. Presents a professional, neat appearance.
b. Maintains a physical condition that aids in his/her performance.
c. Expressed an interest in the assignment.
d. Demonstrates the following traits:
    1. Emotional stability and maturity
    2. Stress tolerance
    3. Sound judgment and decision-making
    4. Personal integrity and ethical conduct
    5. Leadership skills
    6. Initiative
    7. Adaptability and flexibility
    8. Ability to conform to department goals and objectives in a positive manner

1002.4.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Director of Public Safety to include:

a. Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
    1. The supervisor recommendations will be submitted to the Sergeant for whom the candidate will work.
b. Sergeant interview - The Sergeant will schedule interviews with each candidate.
    1. Based on supervisor recommendations and those of the Sergeant after the interview, the Sergeant will submit his/her recommendations to the Director of Public Safety.
c. Assignment by the Director of Public Safety.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Director of Public Safety.

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Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance, whether there is a basis for the grievance. The Department's philosophy is to promote free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- The employee collective bargaining agreement.
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual employee or by an employee bargaining group representative.

Specifically outside the category of grievances are:

a. Complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.
b. Personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

1003.2 PROCEDURE

If an employee believes that he/she has a grievance as defined above, the employee shall observe the following procedure:

a. Attempt to resolve the issue through informal discussion with his/her immediate supervisor.

b. If after a reasonable period of time, generally 21 days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Director of Public Safety.

c. If the employee and the Director of Public Safety are unable to arrive at a mutual solution, the employee shall submit a written statement of the grievance and deliver one copy to the Director of Public Safety and another copy to the immediate supervisor that includes the following information:

    1. The basis for the grievance (e.g., the facts of the case).

    2. Allegation of the specific wrongful act and the harm done.

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3. The specific policies, rules or regulations that were violated.

4. The remedy or goal being sought by the grievance.

5. The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

6. The Director of Public Safety will receive the grievance in writing. The Director of Public Safety and the WHPS Police Commission Chairman will review and analyze the facts or allegations and respond to the employee within five business days. The response will be in writing and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Director of Public Safety and/or WHPS Police Commission Chairman is considered final.

7. An unresolved grievance may be appealed and submitted to arbitration, subject to the provisions of the Public Employment Labor Relations Act of 1971. Arbitrator selection shall be made in accordance with the Rules of Governing the Arbitration of Grievances as established by the Bureau of Mediation Services.

1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee.

1003.4 PUNITIVE ACTION

At no time will punitive action be taken against a peace officer for exercising any rights during the grievance procedure (see generally Minn. Stat. § 626.89, Subd. 14).

1003.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the WHPS Police Commission Chairman’s office to monitor the grievance process.

1003.6 GRIEVANCE AUDITS

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Sergeant shall record these findings in a memorandum to the Director of Public Safety without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Sergeant should promptly notify the Director of Public Safety.

1003.7 JUDICIAL RELIEF

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Grievance Procedure

Any employee or representative may, after exhausting the internal grievance procedure, and, if applicable, arbitration, apply to the proper court for judicial relief as allowed by contract or law.

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Reporting of Employee Convictions and Court Orders

1004.1 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.

1004.2 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.

1004.3 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.

1004.3.1 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.

1004.4 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 Director of Public Safety 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 Director of Public Safety in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

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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.

1004.5 CHEMICAL DEPENDENCY TREATMENT

If an officer is informally admitted to a treatment facility or program pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6)).

Officers in this situation shall promptly notify the department.

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Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1005.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1005.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 SCREENING TESTS

The Department may request or require drug or alcohol testing in the following circumstances (Minn. Stat. § 181.951; Minn. Stat. § 181.952):

a. **Reasonable suspicion** - The Shift Sergeant may request or require an employee to undergo drug and alcohol testing if there is a reasonable suspicion of any of the following:
    1. The employee is under the influence of drugs or alcohol.
    2. The employee has violated department rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working, is on department property, or is operating a vehicle owned by the department.
    3. The employee has sustained an injury arising out of and in the course of employment, or has caused another employee to sustain an injury (full definition of personal injury in Minn. Stat. § 176.011, Subd. 16).
    4. The employee has caused a work-related accident, or the employee's use of a vehicle, firearm, or safety equipment involved a work-related accident.

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b. Following a conditional job offer
c. As part of an employee's routine physical examination
d. Under a random testing program of employees
e. When the employee has been referred for an evaluation or treatment, or is participating in a treatment program under an employee benefit plan
f. The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.

1005.7.1 DRUG- AND ALCOHOL-TESTING PROGRAM

The following applies to the department's drug and alcohol testing procedures (Minn. Stat. § 181.951; Minn. Stat. § 181.952; Minn. Stat. § 181.953):

a. An employee or applicant has the right to refuse a test but the consequences of a refusal may result in discipline, up to and including termination, or a decision not to hire the applicant.

b. Initial screening tests must be verified by a confirmatory test for the purpose of discipline.

c. Employees will have an opportunity to participate in an appropriate alcohol or drug program for their first confirmed positive test. The program may be in lieu of other discipline unless the employee fails the program or refuses to participate (Minn. Stat. § 181.953).

d. A confirmed positive test may result in discipline, up to and including termination.

e. An employee or job applicant will have the opportunity to explain a positive test result and may request and pay for a second confirmatory retest.

f. All disciplinary procedural safeguards in this manual apply, including the post-discipline appeal procedures (see the Personnel Complaints Policy).

g. Employees and job applicants shall receive required written notice, including posting, of the drug- and alcohol-testing policies and procedures as set forth in Minn. Stat. § 181.952.

h. The safeguards of Minn. Stat. § 181.953 will be followed for any testing and any related discipline process.

Notice of the adopted drug and alcohol testing policy shall be posted in an appropriate and conspicuous location and copies shall be available for inspection to all employees and job applicants (Minn. Stat. 181.952).

1005.7.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

a. The test will be given to detect either alcohol or drugs, or both.
b. The result of the test is not admissible in any criminal proceeding against the employee.
c. The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

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1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and the Minnesota Pregnancy and Parenting Leave Act (29 USC § 2601 et seq.; Minn. Stat. § 181.941).

1006.2 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 nonworking 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.

1006.2.1 NOTIFICATION

Employees are to notify Sergeant or Director of Public Safety 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 four 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.

1006.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

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Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1006.4 EXTENDED ABSENCE

Members absent from duty for more than two consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work (Minn. Stat. § 181.9447). Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

1006.5 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 with the employee 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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Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the West Hennepin Public Safety. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.2 POLICY

The West Hennepin Public Safety is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1007.3 EXPOSURE CONTROL OFFICER

The Director of Public Safety will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

1. Exposure-prevention and decontamination procedures.
2. Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
3. The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
4. Evaluation of persons in custody for any exposure risk and measures to separate them.
5. Compliance with all relevant laws or regulations related to communicable diseases, including:
    1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
    2. Exposure control mandates in 29 CFR 1910.1030 (Minn. R. 5206.0600).
    3. Reporting cases and suspected cases of communicable diseases to the Department of Public Health (Minn. R. 4605.7070; Minn. Stat. § 144.4804).

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4. Notifying appropriate medical facilities regarding member exposures and providing assistance locating source individuals, as applicable (Minn. Stat. § 144.7414)

The ECO should also act as the liaison with the Minnesota Occupational Safety and Health Administration (MNOSHA) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan.

1007.4 EXPOSURE PREVENTION AND MITIGATION

1007.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; Minn. R. 5206.0600):

1. Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
2. Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
3. Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
4. Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
5. Using an appropriate barrier device when providing CPR.
6. Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
7. Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
    1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
8. Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
9. Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
10. Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1007.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Minn. R. 5206.0600).

1007.5 POST EXPOSURE

1007.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

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a. Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
b. Obtain medical attention as appropriate.
c. Notify a supervisor as soon as practicable.

1007.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; Minn. R. 5206.0600):

a. Name of the member exposed
b. Date and time of the incident
c. Location of the incident
d. Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
e. Work being done during exposure
f. How the incident occurred or was caused
g. PPE in use at the time of the incident
h. Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease, Personal Injury and Death Reporting Policy).

1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; Minn. R. 5206.0600):

a. Whether the member has been informed of the results of the evaluation.
b. Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1007.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Minn. R. 5206.0600).

1007.5.5 SOURCE TESTING

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Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

a. Obtaining consent from the individual.
b. Seeking testing through the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 through a licensed hospital or other emergency medical care facility.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1007.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (Minn. Stat. § 144.7411).

1007.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Minn. R. 5206.0700):

a. Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
b. Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
c. Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in West Hennepin Public Safety facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1008.2 POLICY

The West Hennepin Public Safety recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Minn. Stat. § 144.414).

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1008.4 ADDITIONAL PROHIBITIONS

No employee shall smoke, even while out of view of the public or off-duty, in areas properly posted with "No Smoking" notices nor shall any employee use tobacco products on public school property (Minn. Stat. § 609.681; Minn. Stat. § 144.4165). The Director of Public Safety or the authorized designee should ensure that proper signage is in place for notice of areas where tobacco use is restricted (Minn. R. 4620.0500).

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Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the West Hennepin Public Safety (Minn. R. 6700.2200). This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1009.2 POLICY

The West Hennepin Public Safety takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1009.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1009.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such

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matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1009.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

a. Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
b. Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
c. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
d. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
e. Tort claims and lawsuits may generate a personnel complaint.
f. The Minnesota Board of Peace Officer Standards and Training (POST) may refer complaints alleging a violation of a statute or rule that the board is empowered to enforce (Minn. Stat. § 214.10, Subd. 10).
g. Any person making a complaint may be accompanied by an attorney or other representative, including at the time the complaint is made.
h. Any person wishing to file a complaint against the Director of Public Safety should be referred to the WHPS Police Commission Chairman for investigation by an outside agency.

1009.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1009.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1009.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1009.4.3 COMPLAINT COPIES

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After a complaint is filed, the accepting member should sign the document, keep a copy for the department and provide a copy to the complainant.

1009.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Director of Public Safety or the authorized designee.

1009.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows (Minn. R. 6700.2200).

1009.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Director of Public Safety or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

1. Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    1. The original complaint form will be directed to the Shift Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
    2. 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 member's Sergeant or the Director of Public Safety, who will initiate appropriate action.
2. Responding to all complaints in a courteous and professional manner.
3. Resolving those personnel complaints that can be resolved immediately.
    1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Sergeant.
4. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Sergeant and Director of Public Safety are notified via the chain of command as soon as practicable.

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5. Promptly contacting the Personnel Department and the Shift Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
6. Forwarding unresolved personnel complaints to the Shift Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.
7. Informing the complainant of the investigator’s name and the complaint number within three days after assignment.
8. Investigating a complaint as follows:
    1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
    2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
9. Ensuring that the procedural rights of the accused member are followed.
10. Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or an assigned member of the Internal Affairs Unit, the following shall apply to members covered by the Peace Officer Discipline Procedures Act (Minn. Stat. § 626.89):

1. Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty (Minn. Stat. § 626.89, Subd. 7). If the member is off-duty, he/she shall be compensated.
2. Unless waived by the member, interviews of an accused member shall be at the West Hennepin Public Safety or at a place agreed upon by the accused member (Minn. Stat. § 626.89, Subd. 4).
3. No more than two interviewers should ask questions of an accused member.
4. Prior to any interview, a member should be informed of the nature of the investigation.
    1. The member shall be given a copy of any written complaint signed by the complainant (Minn. Stat. § 626.89, Subd. 5).
5. All interviews should be for a reasonable period and the member's personal needs should be accommodated (Minn. Stat. § 626.89, Subd. 7).
6. No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
7. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
    1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
    2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

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8. The interviewer shall record all interviews of members and witnesses. The member may also record the interview. A complete copy or transcript of the interview must be made available to the member upon written request without charge or undue delay. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview (Minn. Stat. § 626.89, Subd. 8).
9. All members subjected to interviews that could result in discipline have the right to have an uninvolved representative or attorney present before or during the interview (Minn. Stat. § 626.89, Subd. 9). When a member requests a representative or attorney, no interview may be taken until a reasonable opportunity is provided for the member to obtain that person's presence. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
10. All members shall provide complete and truthful responses to questions posed during interviews.
11. No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
12. Before a formal statement is taken, the member shall be advised in writing or on the record that admissions made may be used as evidence of misconduct or a basis for discipline (Minn. Stat. § 626.89, Subd. 10).
13. A member may not be required to produce financial records (Minn. Stat. § 626.89, Subd. 11).
14. A member's photograph will not be released unless allowed by law (Minn. Stat. § 626.89, Subd. 12).

1009.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member 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, documents) should be attached to the report.

1009.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

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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 member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

The Director of Public Safety may authorize that any investigation be re-opened any time substantial new evidence is discovered concerning the complaint.

1009.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1009.6.6 EXTERNAL INVESTIGATIONS

The Director of Public Safety may request that an outside agency conduct an investigation anytime the Director of Public Safety determines an external investigation is appropriate.

This department should not conduct an investigation when the Director of Public Safety is the subject of the complaint. An external investigation should be requested through the WHPS Police Commission Chairman.

1009.6.7 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation shall provide the complainant with periodic updates on the status of the investigation, as appropriate and consistent with the provisions of the Minnesota Government Data Practices Act (MGDP) (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1009.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1009.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Director of Public Safety or the

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authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

a. May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
b. Shall be required to continue to comply with all policies and lawful orders of a supervisor.
c. May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1009.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Director of Public Safety shall be notified as soon as practicable when a member is accused of criminal conduct. The Director of Public Safety may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The West Hennepin Public Safety may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

The Director of Public Safety may postpone making a decision on an administrative investigation until any related criminal charges are resolved. The complainant and involved member should be informed of this decision.

1009.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Director of Public Safety through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Director of Public Safety may accept or modify any classification or recommendation for disciplinary action.

1009.10.1 SERGEANT RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Sergeant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Sergeant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Director of Public Safety, the Sergeant may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

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When forwarding any written recommendation to the Director of Public Safety, the Sergeant shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1009.10.2 DIRECTOR OF PUBLIC SAFETY RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Director of Public Safety shall review the recommendation and all accompanying materials. The Director of Public Safety may modify any recommendation and/or may return the file to the Sergeant for further investigation or action.

Once the Director of Public Safety is satisfied that no further investigation or action is required by staff, the Director of Public Safety shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Director of Public Safety shall provide the member with a written notice and the following:

1. Access to all of the materials considered by the Director of Public Safety in recommending the proposed discipline.
2. An opportunity to respond orally or in writing to the Director of Public Safety within five days of receiving the notice.
    1. Upon a showing of good cause by the member, the Director of Public Safety may grant a reasonable extension of time for the member to respond.
    2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Director of Public Safety shall consider all information received in regard to the recommended discipline. The Director of Public Safety shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Director of Public Safety has issued a written decision, the discipline shall become effective.

1009.10.3 MINNESOTA POST INVESTIGATIONS

The Minnesota POST Board may require an administrative investigation based upon a complaint alleging a violation of a statute or rule that the board is empowered to enforce.

Any such misconduct allegation or complaint assigned to this department shall be completed and a written summary submitted to the POST executive director within 30 days of the order for inquiry (Minn. Stat. § 214.10, Subd. 10).

The Department shall cooperate with POST's investigation and provide requested information unless (Minn. Stat. § 626.8457):

a. There is an active criminal investigation or active criminal proceeding regarding the same incident or misconduct that is being investigated by POST.

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b. An active internal investigation exists regarding the same incident or misconduct that is being investigated by POST during 45 days from the time the request was made by POST. The Director of Public Safety or the authorized designee shall comply with the request upon completion of the internal investigation or once 45 days has passed, whichever occurs first.

1009.10.4 DISCIPLINE

Disciplinary action may include, but is not limited to (Minn. R. 6700.2200):

a. Oral reprimand.
b. Written reprimand.
c. Suspension.
d. Demotion.
e. Discharge.

1009.10.5 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Director of Public Safety or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint. Notice must be consistent with the provisions of the MGDP (Minn. Stat. § 13.43, Subd. 2; Minn. R. 6700.2200).

1009.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Director of Public Safety after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

a. The response is not intended to be an adversarial or formal hearing.
b. Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
c. The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Director of Public Safety to consider.
d. In the event that the Director of Public Safety elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
e. The employee may thereafter have the opportunity to further respond orally or in writing to the Director of Public Safety on the limited issues of information raised in any subsequent materials.

1009.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1009.13 POST-DISCIPLINE APPEAL RIGHTS

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Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules (Minn. R. 6700.2200).

Employees covered by the Veterans Preference Act are entitled to written notice of the right to request a hearing within 30 days of receipt of the notice of intent to terminate, suspend or demote. Failure to request the hearing in the time specified waives the right to the hearing and all other legal remedies. Any hearing shall be held in compliance with law (Minn. Stat. § 197.46).

1009.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy except for employees covered by the Veterans Preference Act (Minn. Stat. § 197.46). However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Director of Public Safety or the authorized designee (Minn. R. 6700.2200).

Any probationary period may be extended at the discretion of the Director of Public Safety in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1009.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1009.15.1 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 member or authorized personnel, except pursuant to lawful process, such as Minn. R. 6700.2500. Data in closed files shall be treated as private or public data depending on whether discipline was imposed upon the member.

1009.15.2 LETTERS OF DISCIPLINE AND REPRIMANDS

Letters of discipline and reprimands may only be placed in a member’s personnel file after they are received by the member (see generally Minn. Stat. § 626.89, Subd. 13).

1009.16 REQUIRED REPORTING TO POST

The Director of Public Safety or the authorized designee shall notify POST of certain officer personnel events, including but not limited to:

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a. A termination or resignation of an officer who is the subject of an internal or criminal investigation due to alleged misconduct regardless of whether the investigation has been initiated or completed, or whether the officer was criminally charged (Minn. Stat. § 626.8457, Subd. 4).
b. The violation of a required POST model policy identified in Minn. R. 6700.1615 (Minn. R. 6700.1615, Subd. 2).

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Seat Belts

1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Minn. Stat. § 169.686).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Minn. Stat. § 169.685).

1010.2 POLICY

It is the policy of the West Hennepin Public Safety that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1010.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Minn. Stat. § 169.686).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1010.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Director of Public Safety.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1010.5 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.

1010.6 TRANSPORTING CHILDREN

All children younger than 8 years of age and shorter than 4 feet 9 inches tall shall be restrained in a child passenger safety seat system (Minn. Stat. § 169.685, Subd. 5(b)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1010.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the West Hennepin Public Safety 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.

1011.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the West Hennepin Public Safety and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor 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.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

a. Officers shall only wear agency-approved body armor.

b. Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

c. Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

d. Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

e. An officer may be excused from wearing body armor when 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.

1011.3.2 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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1011.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1011.4 FIRE ARMS INSTRUCTOR RESPONSIBILITIES

The Fire Arms Instructor should:

a. Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

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

c. Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel data. Personnel data includes any file maintained under an individual member's name.

Without regard to where and how stored, all data about a current or former employee or applicant for employment shall be defined and classified as personnel data consistent with Minn. Stat. § 13.43. All data relating to a criminal investigation of a current or former employee or applicant shall be defined and classified as criminal data consistent with Minn. Stat. § 13.82.

1012.2 POLICY

It is the policy of this department to maintain personnel data and preserve the confidentiality of personnel data pursuant to the Constitution and the laws of Minnesota (Minn. Stat. § 13.43).

1012.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

1. Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
2. Election of employee benefits.
3. Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
4. Original performance evaluations. These should be permanently maintained.
5. Discipline records, including copies of sustained personnel complaints.
6. Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
    1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
    2. Any member response shall be attached to and retained with the original adverse comment.
    3. If a member 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. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
7. Commendations and awards.
8. Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1012.4 DIVISION FILE

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Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1012.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

a. The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
b. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1012.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Director of Public Safety. Access to these files may only be approved by the Director of Public Safety or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

a. Not sustained
b. Unfounded
c. Exonerated

1012.7 MEDICAL FILE

A private medical file shall be maintained separately from all other personnel data and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

1. Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
2. Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.
3. Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
4. Medical release forms, doctor’s slips and attendance records that reveal a member’s medical condition.
5. Any other documents or materials that reveal the member’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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1012.8 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).

1012.9 SECURITY

Personnel data should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel data maintained in an electronic format should have adequate password protection.

Any personnel data not deemed public data is private and shall not be subject to disclosure except as provided in this policy, the Records Maintenance and Release Policy, according to applicable discovery procedures or with the member's written consent (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

Nothing in this policy is intended to preclude review of personnel data by the WHPS Police Commission Chairman, City Attorney or other attorneys or representatives of the City in connection with official business.

1012.9.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for personnel data shall promptly notify the Custodian of Records or other person charged with the maintenance of such data.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel data shall be logged in the corresponding file.

1012.9.2 RELEASE OF PRIVATE DATA

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Director of Public Safety designee (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

1012.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Upon request, any member may request access to his/her own personnel file as set forth in Minn. Stat. § 181.961.

Any member seeking the removal of any item from his/her personnel files shall file a written request to the Director of Public Safety through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel file. If the contested item is ultimately removed, the written responses shall also be removed (Minn. Stat. § 181.962, Subd. 1). An employee not satisfied with this resolution may seek such other remedies as are authorized by the MGDPA.

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Members may be restricted from accessing files containing any of the following information:

a. An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
b. Confidential portions of internal affairs files that have not been sustained against the member.
c. Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
d. Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
e. Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
f. Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
g. Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1012.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel data shall be maintained in accordance with the established records retention schedule.

a. During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
b. If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Director of Public Safety.
c. If, in the opinion of the Director of Public Safety, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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Commendations and Awards

1013.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the West Hennepin Public Safety and individuals from the community. It also outlines the awards available to acknowledge these acts and the procedures for nomination, review, and presentation.

1013.2 POLICY

It is the policy of the West Hennepin Public Safety to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards. The Department seeks to honor actions above and beyond normal responsibilities, including but not limited to distinguished service, valor under dangerous conditions, lifesaving efforts, sustained excellence or meritorious conduct, and ultimate sacrifice.

1013.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1013.3.1 COMMENDATIONS RECEIVED FROM CITIZENS

Letters of commendations received from persons other than employees assigned to the Police Department will be handled as follows:

- A letter of acknowledgement and thanks will be sent to the correspondent from the Director of Public Safety.
- The Director of Public Safety will forward a copy of the commendation letter to the identified officer and ensure placement in the officer's personnel file.

1013.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond the typical duties.

1013.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

1. Identifying information:

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1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

2. A brief account of the meritorious or commendable act with report numbers, as appropriate.
3. The signature of the member submitting the documentation.

1013.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

1. Identifying information:
   a. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
   b. For individuals from the community - name, address, telephone number
2. A brief account of the meritorious or commendable act with report numbers, as appropriate.
3. The signature of the person submitting the documentation.

1013.4.3 PROCESSING DOCUMENTATION

A. Department Member: Documentation regarding a meritorious or commendable act of a member of the Department should be forwarded to the appropriate Sergeant for review. The Sergeant should sign forward the documentation to the Director of Public Safety for final review. The Director of Public Safety or an authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Sergeant for entry into the member's personnel file.
B. Community Member: Documentation regarding the meritorious or commendable act of an individual from thecommunity should be forwarded to the appropriate Sergeant. The documentation will be signed by the Sergeant and forwarded to theDirector of Public Safety for review. An appropriate venue and/or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1013.5 AWARDS CRITERIA GUIDELINE

The following are the awards conferred by the West Hennepin Public Safety Department. Some existing award titles have been updated to reflect newly adopted terminology. in such cases, the previous title is noted in parentheses. Criteria for each award including selection, presentation, and display, are determined by the Director of Public Safety in accordance with this policy and any supplemental directives. The Director (or designee) may choose to establish an awards board or committee to review nominations and make recommendations for final approval.

A. **Police Cross**

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- Description: The Police Cross is the highest honor within the Department. It is awarded to an officer who dies in the line of duty or suffers great bodily harm while performing duties under honorable circumstances. It ma be awarded posthumously to honor officers who have made the ultimate sacrifice.
- Eligibility:
    - Officer death or life-altering injury sustained in the performance of official duties.
    - Reflects the highest level of sacrifice and service.
- Recognition: Recipient (or next of kin, if posthumous) shall receive a commemorative Police Cross Medal, citation bar (white) and plaque with a certificate of recognition.

B. **Medal of Honor**

- Description: Awarded for outstanding bravery or heroism, reflecting unselfishness, courage, and immediate risk of death or serious physical injury, but not resulting in theofficer's death or catastrophic injury (those circumstances would qualify for the Police Cross).
- Eligibility:
    - An act so extraordinary as to clearly distinguish the individual from colleagues.
    - May be considered if the event involved imminent peril but the officer did not suffer injury.
- Recognition: Recipient shall receive a commemorative medal, citation bar (blue) and a plaque with a certificate of recognition.

C. **Medal of Valor**

- Description: Awarded to a member of the Department (or a citizen) who, conscious of danger, performs and act of gallantry at imminent personal hazard to life, clearly above and beyond the call of duty.
- Eligibility:
    - Immediate risk of substantial harm where the individual's actions directly mitigate such harm.
    - Reflects distinguished bravery under extreme conditions.
- Recognition: Recipient shall receive a commemorative medal, citation bar (red/white/blue) and a plaque with a certificate of recognition.

D. **Purple Heart**

- Description: Recognizes an officer who sustains a serious or life-threatening injury in theline of duty under honorable circumstances, provided the injury does not qualify for the Police Cross Medal (i.e., the officer survives without catastrophic injuries that would merit the Police Cross, and the incident does not result in the officer's death).
- Eligibility:
    - Injury is significant but does not meet the threshold for awarding the Police Cross.
    - Not awarded posthumously (in the event of death in the line of duty, the Police Cross Medal applies).
- Recognition: Recipient shall receive a commemorative medal, citation bar (purple) and certificate of recognition.

E. **Lifesaving Award**

- Description: Conferred upon an officer or citizen whose direct actions result in saving or significantly prolonging a human life.
- Eligibility:

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- The individual's intervention must have been the critical factor preventing or delaying an otherwise likely fatality (e.g., performing CPR, using an AED, removing a victim from imminent harm).

- Recognition: Recipient shall receive a commemorative medal, citation bar (blue/white), and a plaque and/or a certificate detailing the lifesaving incident.

F. **Award of Excellence***(Previously titled "Department Award of Excellence")*
- Description: Awarded to a member of the Department for exceptional achievements or accomplishments that surpass routine expectations - e.g., innovative policing methods, improved efficiency or operations, or notable contributions that reflect credit on theDepartment.
- Eligibility:
  - Duties performed at a level significantly above normal requirements.
  - Achievements leading to major administrative improvements, cost savings, or enhanced community trust.
- Recognition: Recipient shall receive a plaque, citation bar (blue/red w/star) with a certificate of recognition.

G. **Commendation***(Previously titled "Department Letter of Commendation:)*
- Description: Recognizes professional performance of police duties or noteworthy service.
- Eligibility:
  - Exemplary conduct in thecourse of regular assignments.
  - Acts or series of acts that positively represent the Department and exceed ordinary expectations.
- Recognition: Recipient shall receive a Commendation letter and citation bar (blue/green w/star).

H. **Distinguished Service Award** *(Previously titled "Distinguished Service")*
- Description: Acknowledges significant contributions to the Department by an officer or a citizen, whether through a single notable event or sustained support of the Department.
- Eligibility:
  - Outstanding service that furthers the Department's mission or strengthens policing efforts.
  - May be awarded for career-long distinctions upon retirement or at another appropriate juncture.
- Recognition: Recipient shall receive a certificate of recognition and citation bar (red/blue w/star).

I. **Outstanding Service Award***(Previously titled "Outstanding Service.")*
- Description: Honors a member of the Department or a community member who demonstrates ongoing dedication or involvement that markedly benefits theDepartment and its service areas.
- Eligibility:
  - Strong commitment to community well-being, public safety, or departmental objectives over a period of time.
- Recognition: Recipient shall receive a plaque or certificate of recognition and citation bar (blue/black w/green star)

J. **Award of Merit**
- Description: Recognizes notable initiative, achievement, or service that significantly enhances departmental goals or public safety.
- Eligibility:
  - May include sustained excellent performance, exemplary investigative work, or a special project that improves departmental operation or community engagement.

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- Recognition: Recipient shall receive a certificate of recognition and citation bar (black/blue w/shield)

K. **Meritorious Conduct/Service Award***(Combines and clarifies previous references to "Meritorious Conduct" or "Meritorious Service.")*
   - Description: Conferred upon individuals who consistently demonstrate a high degree of professionalism, creativity in problem-solving, and a positive impact on departmental operations or community relations.
   - Eligibility:
     - Could be for a single, significant achievement or ongoing performance reflecting meritorious service.
     - Must distinctly exceed ordinary duty requirements.
   - Recognition: Recipient shall receive a certificate of recognition and citation bar (red/white/red w /diamond).

1013.6 COMMENDATIONS RECEIVED FROM CITZENS

Letters of commendations received from persons other than employees assigned to the Police Department will be handled as follows:

- A letter of acknowledgment and thanks will be sent to the correspondent from the Director.
- The Director will forward a copy of the correspondence to the officer and the officer's personnel file.

1013.7 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards shall include (but are not limited to) the following, listed in order of precedence:

- Police Cross Medal (new highest award)
- Medal of Honor
- Medal of Valor
- Purple Heart
- Lifesaving Award
- Award of Excellence (formerly Department Award of Excellence)
- Commendation (formerly Department Letter of commendation)
- Distinguished Service Award (formerly Distinguished Service)
- Outstanding Service (formerly Outstanding Service)
- Award of Merit
- Meritorious Conduct/Service Award

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Additional eligibility details, selection methods, and presentation procedures may be supplemented at the discretion of the Director of Public Safety. The Director (or designee) may establish an awards board or committee to review nominations and make recommendations for final approval.

1013.8 AWARD STYLE AND UNIFORMITY

Purpose

To establish uniformity in the design, style, and presentation of awards issued by the Department, ensuring consistency and professionalism in recognizing exemplary service.

1013.8.1 GENERAL GUIDELINES

A. Design Standards:
    1. Awards and citation will feature a standardized color scheme and design elements for all recipients.
    2. Civilian and Officer awards will utilize a silver background with gold accents.
    3. Command Staff awards will utilize gold background with silver accents.
B. Award Types:
    1. Each award includes a citation bar for uniform display and select awards include a commemorative medal for ceremonial purposes.
        a. Citation bars are to be worn on official uniforms as per Policy 1022 (Uniform Regulations).
        b. Commemorative medals are presented during formal ceremonies and may be displayed in shadow boxes or personal collections.
C. Awards bestowed upon an officer from another agency or from a reputable association such as the Minnesota Chiefs of Police Association or the International Association of Chiefs of Police may be worn in accordance with department policy. The outside award will be cross referenced with current department awards and can be displayed following this policy.

1013.8.2 AWARD DESIGN SPECIFICATIONS

AWARD	Citation Bar Design	Medal Design
Police Cross Medal	Solid WHITE enamel with Silver or Gold Background	Silver or Gold Cross with starburst medal with the following text: Atop "POLICE CROSS" below "WEST HENNEPIN PSD" Center Seal Current Minnesota State Seal. TEXT will be BLUE enamel in ROMAN text. Medal will be attached to solid WHITE neck ribbon. Medal will be accompanied with presentation box.

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Medal of Honor	Solid BLUE enamel with Silver or Gold Background	Silver or Gold Starburst Medal with the following text: Atop "MEDAL OF HONOR" Banner " WEST HENNEPIN" Circle Banner "PUBLIC SAFETY - DEPARTMENT" Center Seal Current Minnesota State Seal. TEXT will be BLUE enamel in Roman text. Medal will be attached to solid BLUE neck ribbon. Medal will be accompanied with presentation box.
Medal of Valor	RED / WHITE / BLUE enamel with Silver or Gold Background	
Purple Heart	Solid PURPLE enamel with Silver or Gold Background	Silver of Gold Heart Medal with the following text: Atop "WEST HENNEPIN PSD" Center Seal Current Minnesota State Seal. TEXT will be BLUE enamel in Roman Text. Medal will be attached to a PURPLE neck ribbon. Medal will be accompanied with presentation box.
Lifesaving Award	BLUE / WHITE enamel with Silver or Gold Background	Silver or Gold Eagle-top Starburst Shield Medal with the following text: Atop "LIFESAVING AWARD" Circle Banner "WEST HENNEPIN - PUBLIC SAFETY" Below "XXXX" (Year Awarded) TEXT will be BLUE enamel in Roman Text. Medal will be attached to a BLUE/WHITE neck ribbon. Medal will be accompanied with presentation box.

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Award of Excellence	BLUE / RED enamel on a diagonal with Silver or Gold Star and Background	None
Commendation	BLUE / GREEN enamel with Silver or Gold Star(s) and Background	None
Distinguished Service	RED over BLUE enamel with Silver or Gold Star(s) and Background	None
Outstanding Service	BLUE/BLACK/BLUE w/GREEN Star(s) enamel with Silver or Gold Background	None
Award of Merit	BLACK/BLUE enamel with Silver or Gold Shield and Background	None
Meritorious Conduct	RED/WHITE/RED enamel with Silver or Gold Diamond(s) and Background	None

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Fitness for Duty

1014.1 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.

1014.2 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.

1014.3 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 Shift Sergeant or the employee’s available Sergeant, a determination should be made whether the employee should be temporarily relieved from his/her duties.

e. The Director of Public Safety shall be promptly notified in the event that any employee is relieved from duty.

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1014.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty shall be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1014.5 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Sergeant or unit supervisor and concurrence of a Sergeant, 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.

1014.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

a. Whenever circumstances reasonably indicate that an employee is unfit for duty, the Director of Public Safety 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.

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f. Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

g. If an employee is deemed unfit for duty by the Department, the employee may submit a report from the employee's personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

1014.7 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.

1014.8 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy or the applicable collective bargaining agreement.

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Meal Periods and Breaks

1015.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1015.2 POLICY

It is the policy of the West Hennepin Public Safety to provide meal periods and breaks to members of this department in accordance with Minn. Stat. § 177.253, Minn. Stat. § 177.254, and Minn. R. § 5200.0120, any applicable collective bargaining agreement, and the City personnel manual.

1015.3 MEAL PERIODS

Each employee who works for six or more consecutive hours is entitled to at least 30 minutes to eat a meal (Minn. Stat. § 177.254). Officers and [dispatcher]s shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed patrol officers may take their meal break outside of the department's service area, provided they remain within a reasonable distance, allowing for prompt response to calls for service. Officers shall consider staffing, coverage, and call load when taking their meal break outside of the department's service area.

The time spent for the meal period shall not exceed the authorized time allowed.

1015.4 BREAKS

Each employee is allowed a break of at least 15 minutes or enough time to use the nearest convenient restroom, whichever is longer, within each four-hour consecutive hours of work (Minn. Stat. § 177.253). Only one break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain at the police facility for their breaks. This does not prohibit them from taking a break away from the facility if they are on official business.

Employees assigned to field duties will take their breaks in their assigned areas, subject to call, and shall monitor the police radio. When such employees take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the [dispatcher].

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Lactation Breaks

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1016.2 POLICY

It is the policy of the West Hennepin Public Safety to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks may be taken at the same time as the member's regularly scheduled rest or meal periods (Minn. Stat. § 181.939).

Members desiring to take a lactation break shall notify the [dispatcher] or supervisor prior to taking such a break.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1016.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Minn. Stat. § 181.939).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1016.5 STORAGE OF EXPRESSED MILK

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Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

1017.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1017.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1017.1.2 TIME REQUIREMENTS

All employees are paid bimonthly, the 1st and 16th, with certain exceptions such as holidays or falling on a weekend. When the payroll date falls on a Saturday payroll will be on the Friday before and when payroll date falls on a Sunday the payroll date will be the Monday following. Time sheets shall be completed and submitted to Administration no later than 7:00 a.m. on the payroll day.

1017.2 POLICY

The West Hennepin Public Safety maintains timely and accurate payroll records.

1017.3 RECORDS

The Administration Sergeant shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

1018.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt employees who work authorized overtime either by payment of wages as agreed or by the allowance of accrual of compensatory time off. In order to qualify for either the employee must complete and submit a Request for Overtime on the backside of the emplyees paysheet.

1018.1.1 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. When possible 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 (e.g., less than one hour in duration) may be handled by docuementing the overtime on the payroll sheet and approved by sergant or Director.

The individual employee may request compensatory time in lieu of receiving overtime payment. The employee may exceed 40 (forty) hours of compensatory time throughout a calendar year as long as at the end of that calendar year the comp time if 40 hours or less. If the comp time of Public Safety may require the employee to use down the time as directored by the Director of Public Safety.

1018.1.2 OVERTIME

A. Employees will be compensated at one and one-half (1-1/2) times the employee's regular base pay for hours worked in excess of the employee's regularly scheduled shift or 40 hours per week. Changes of shifts do not qualify an employee for overtime under this provision.

B. For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked.

C. Overtime will be calculated to the nearest thirty (30) minutes.

D. Employees have an obligation to work overtime if requested by the Employer, unless unusual circumstances prevent the employee from so working.

E. Any employee has the option of taking overtime at one and one-half (1-1/2) times the regular pay or as comp time off at one and one-half (1-1/2) times regular pay.

1018.1.3 COMP TIIME

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Full-time employees may not carry on the books into the next calendar year more than 40 hours of comp time without the written permission of the Director of Public Safety setting forth the time-table in which the comp time will be used. Part-time employees may accumulate comp time based upon the amount of hours worked per day agreed upon at time of hiring.

1018.1.4 COURT TIME-COURT ON CALL TIME

An employee who is required to appear in court during his scheduled off duty time shall receive a minimum of two (2) hours pay at one and one-half (1-1/2) times the employee's base pay rate. An extension or early report to a regularly scheduled shift for court appearance does not qualify the employee for the two (2) hour minimum.

Employees who are required by the employer to be “on call” for court during their scheduled off-duty time will receive two hours of straight time pay for each day the employee is required to be “on call”. An extension or early report to a regularly-scheduled shift during the “on call” hours does not qualify the employee for the “on call” pay. If the employee is called into court and is paid court overtime pay the on call pay for that day is not eligible.

The employer must call off the employee for court by 1800 hours the previous day, otherwise the two hours of court on call pay applies for the following day if the employee is scheduled off-duty and court is in session.

A phone call to the employees listed phone number will constitute proper notification to the employee they have been called off for court. Staff will document the time and date this phone call was made.

1018.1.5 CALL BACK TIME

An employee who is called to duty with less than eight (8) hours notice during his scheduled off-duty time shall receive a minimum of two (2) hours pay at one and one-half (1-1/2) times the employee's base pay rate. An extension of, or early report to a regularly scheduled shift for duty does not qualify the employee for the two (2) hour minimum. If the call back work assignment and the employee's regular work shift overlap, the employee shall be paid the call back rate of time and one-half (1-1/2) until his regular shift begins and the regular shift may continue until the employee's normal quitting time.

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Outside Employment

1019.1 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 Director of Public Safety prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Director of Public Safety in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Outside Employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - 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.

1019.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Director of Public Safety. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete a memorandum that shall be submitted to the employee's immediate supervisor. The memorandum will then be forwarded through the appropriate chain of command to the Director of Public Safety for consideration.

If approved, the Director of Public Safety will provide a written response to the request to the employee. If the request is granted, approval will be valid for a period of 1 year from approval. Any employee seeking to continue outside employment shall submit a new memorandum in a timely manner.

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.

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's request for outside employment is denied or rescinded by the Department, the employee may file a written notice of appeal to the Director of Public Safety 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.

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1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment approval may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Revocation will be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

a. If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency and the outside employment may be related to the employee's performance. The Director of Public Safety 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 approval, 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.

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any Outside Employment request 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.

1019.3.1 OUTSIDE SECURITY EMPLOYMENT

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Due to the potential conflict of interest no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1019.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from a Sergeant, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1019.3.4 OUTSIDE OVERTIME

Any private organization, entity or individual seeking special services for security or traffic control from members of this department within the West Hennepin jurisdiction must submit a written request to the Director of Public Safety in advance of the desired service. Such outside overtime will be monitored by a patrol supervisor.

a. The applicant will be required to enter into a written indemnification agreement prior to approval. This agreement will be administered by City of Maple Plain or Independence staff through the special event permitting application.
b. The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
c. If such a request is approved, any employee working outside overtime shall be subject to the following conditions:
    1. The officer(s) shall wear the Department uniform/identification.
    2. The officer(s) shall be subject to all the rules and regulations of this department.
    3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
    4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
    5. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Director of Public Safety.

1019.4 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.

1019.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

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If an employee terminates his/her outside employment during the period of approval, the employee shall promptly submit written notification of such termination to the Director of Public Safety 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 Director of Public Safety 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.

1019.6 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 Director of Public Safety whether such outside employment should continue or be suspended or revoked.

In the event the Director of Public Safety 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 approved work, a notice of intent to revoke the employee's approval will be forwarded to the involved employee and a copy attached to the original approval memorandum. 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.

1019.7 PROBATIONARY OFFICER OUTSIDE EMPLOYMENT

Department members will not be approved for outside employment during their probationary period. Probationary employees will be allowed to work Outside Overtime duties within the West Hennepin jurisdiction.

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Occupational Disease, Personal Injury and Death Reporting

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, personal injuries and deaths.

1020.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 176.011):

Occupational disease – A mental impairment or physical disease arising out of and in the course of employment peculiar to the occupation in which the member is engaged and due to causes in excess of the hazards ordinary of employment. The term includes diagnosis of post-traumatic stress disorder (PTSD) by a psychiatrist or psychologist; however, mental impairment is not considered a disease if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Department.

Personal injury – Any mental impairment or physical injury arising out of and in the course of employment, including personal injury caused by occupational disease, while engaged in, on or about the premises where the member's services require the member's presence as part of that service at the time of the injury and during the hours of that service. Personal injury does not include an injury caused by the act of a third person or fellow department member who intended to injure the member because of personal reasons, and not directed against the member as a member of the West Hennepin Public Safety, or because of the employment with the West Hennepin Public Safety. Mental impairment is not considered a personal injury if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the Department.

1020.2 POLICY

The West Hennepin Public Safety will address occupational diseases, personal injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Minn. Stat. § 176.231).

1020.3 RESPONSIBILITIES

1020.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or personal injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1020.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or personal injury should ensure the member receives medical care as appropriate.

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Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Workplace Accident and Injury Reduction policies apply and take additional action as required.

1020.3.3 SERGEANT RESPONSIBILITIES

The Sergeant who receives a report of an occupational disease, personal injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Director of Public Safety, the City's risk management entity and the Administration Sergeant to ensure any required Minnesota Occupational Safety and Health Administration (MNOSHA) reporting is made as required in the illness and injury prevention plan identified in the Workplace Accident and Injury Reduction Policy.

1020.3.4 DIRECTOR OF PUBLIC SAFETY RESPONSIBILITIES

The Director of Public Safety shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1020.4 OTHER DISEASE OR INJURY

Diseases, injuries or deaths caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Sergeant through the chain of command and a copy sent to the Administration Sergeant.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1020.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or personal injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1020.5.1 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 occupational disease or personal injury, the member shall provide the Director of Public Safety with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Director of Public Safety. 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 to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1021.1 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.

1021.2 GROOMING

Unless otherwise stated and because deviations from these standards could present officer health safety issues, the following appearance standards shall apply to all members, except those whose current assignment would deem them not appropriate, and where the Director of Public Safety has granted exception.

1021.2.1 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female department members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

1021.2.2 MUSTACHES, BEARD, AND GOATEE

A short and neatly trimmed mustache, beard and goatee may be worn.

1021.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1021.2.4 FINGERNAILS

Fingernails shall be cleaned and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1021.3 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department members or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

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(a) Necklaces shall not be visible above the shirt collar

(b) Earings shall be small and worn only in or on the earlobe

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, inlcuding a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie Tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1021.4 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Director of Public Safety should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

1021.5 EXEMPTIONS

Members who seek an exemption to this policy protected by law (e.g., culturally protective hairstyles) should generally be accommodated (Minn. Stat. § 363A.03). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Director of Public Safety should be advised any time a request for such an accommodation is denied or when a member with an exemption is denied an assignment based on a safety or security risk.

1021.6 TATTOOS

At no time, while a member is on-duty or representing West Hennepin Public Safety Department in any official capacity, shall the member have any offensive tattoo(s) or body art visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts or other obscene and/or unsightly material. The Director of Public Safety will make the final determination as to what is or is not appropriate. Tattoos on the neck, face, head, or scalp are prohibited. Tattoos not prohibited in this section are permissible and do not require covering while on duty.

1021.7 BODY PIERCING OR ALTERATION

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Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from the 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.

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Uniform Regulations

1022.1 PURPOSE AND SCOPE

The uniform policy of the West Hennepin Public Safety is established to ensure that uniformed officers, special assignment personnel and non- licensed employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Firearms
- Department Owned and Personal Property
- Body Armor
- Personal Appearance Standards
- Commendations and Awards

The uniform and equipment specifications manual is maintained and periodically updated by the Director of Public Safety or the authorized designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The West Hennepin Public Safety 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.

1022.2 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.

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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.

h. If the uniform is worn while in transit while driving a personal vehicle an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.

i. Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.

j. Mirrored sunglasses will not be worn with any Department uniform

k. Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Director of Public Safety 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.

1022.2.1 DEPARTMENTOFFICE ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

a. Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practicable.

b. Officers working specialized assignments may be excused from the possession and display requirements when directed by their Sergeant.

1022.3 UNIFORM CLASSES

1022.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all licensed personnel. The Class A uniform includes the standard issue uniform with:

a. Long sleeve shirt with tie,tie clip, name tag, P pins on front pockets and lapels.

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b. Command Staff: collar insignia consistent with rank
c. Service & Award Citation Bars
d. Uniform pants without side pockets -No cargo pants
e. Class A hat with hat badge and hat band
f. Polished shoes.

The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.Color of name tags, tie clips, P pins, hat ring should be silver for patrol officer and gold for command staff.

1022.3.2 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 short sleeve shirt may be worn with the collar open. No tie is required.
b. The long sleeve shall be worn with button collar and or open collar with a mock turtle with WHPS isignia.
c. A white, navy blue or black crew neck t-shirt must be worn with the uniform.
d. All shirt buttons must remain buttoned except for the last button at the neck.
e. Polished shoes.
f. Approved all black polished shoes may be worn.
g. Boots with pointed toes are not permitted.
h. May wear approved stand alone pins approved by the Director (e.g. SWAT, FTO, DRE)

1022.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments. The Director of Public Safety will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1022.3.4 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1022.4 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.

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b. Service stripes and stars - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

c. The regulation nameplate, or an authorized embroidery nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last 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. If the employee desires other than the legal first name, the employee must receive approval from the Director of Public Safety. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

d. The embroidery for the name shall be centered over right breast pocket 1/4 inch up. Font shall be 8mm block with thread color Gold 0012.

e. 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.

f. Assignment Insignias - Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Director of Public Safety.

g. 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.

h. Rank insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Director of Public Safety may authorize exceptions.

1022.4.1 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 Director of Public Safety or designee.

1022.4.2 INSIGNIA, AWARDS, AND CITATION BARS

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Citation bars and insignias are placed above the right pocket and name plate of the uniform shirt in the following order:

a. Service Bars
b. Position Bars
c. Awards and Commendation Citation Bars
d. Special Assignment or Certification Bars
e. Special Service Recognition Bars

Rows of citation bars are limited to three bars wide, with additional rows placed beneath as necessary.

1022.4.3 POSITION BARS

Worn to identify the officer's current role:

- Chief
- Sergeant
- Patrol Officer
- Criminal Investigator
- Drug Task Force Agent

Wear limitations: Position bars are worn only while serving in the designated position.

1022.4.4 AWARDS AND COMMENDATION CITATION BARS

a. Citation bars follow the order of precedence outlined in the Awards and Commendation Policy:
    1. Police Cross
    2. Medal of Honor
    3. Medal of Valor
    4. Purple Heart
    5. Lifesaving Award
    6. Award of Excellence
    7. Commendation
    8. Distinguished Service
    9. Outstanding Service
    10. Award of Merit
    11. Meritorious Conduct
b. Medals usage: Medals are worn only during award presentations and ceremonial events. The corresponding citation bar replaces the medal on the uniform for daily wear.

1022.4.5 SPECIAL ASSIGNMENT OR CERTIFICATION BARS

a. Recognizes specialized roles and certifications:
    1. EMS - EMR, EMT, Paramedic

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2. Special Weapons and Tactics (SWAT)
3. Field Training Officer (FTO)
4. Drug Recognition Expert (DRE)
5. Instructor
6. Mobile Field Force (MFF)
7. Bicycle Officer
8. Drone Pilot
9. Firefighter
10. Other assignments approved by the Director of Public Safety

1022.4.6 SPECIAL SERVICE RECOGNITION BARS

a. Military Service Bars
    1. Current Military Service: Displays the officers' current branch of service (e.g., Army, Navy, NG etc.).
    2. Veteran Service: Displays a flag citation bar labeled "US Military Veteran".
b. COVID-19 Service Bar: Recognizing officers who worked during the pandemic
c. Baby/Stork Citation Bar: Awarded for assisting in the delivery of a baby during an emergency.
d. Other Recognitions: As approved by the Director of Public Safety

1022.4.7 DESIGN AND BACKGROUND

All citation bars, medals, and insignias must be approved and issued by the Director of Public Safety or their designee. Unauthorized citation bars, insignias, or medals are prohibited.

a. Silver background with gold accents for officers and civilians.
b. Gold background with silver accents for command staff.

Service Bars 5yr = 1 star		
Position Bars		
EMS		
SWAT		
FTO		
DRE		
Instructor		
Mobile Field Force		
Bike Patrol		
DARE		
Drone Pilot		

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Firefighter		
Military Service - Current		
Military Service - Veteran		
Baby		
COVID		

1022.5 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.

e. Variations from this order are allowed at the discretion of the Director of Public Safety or designee when the employee's assignment or current task is not conducive to wearing such clothing.

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f. No item of civilian attire may be worn on-duty that would adversely affect the reputation of the West Hennepin Public Safety or the morale of the employees.

g. Licensed employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Director of Public Safety, West Hennepin Public Safety 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 West Hennepin Public Safety 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.

1022.7 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.

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.

1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

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West Hennepin Public Safety employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Director of Public Safety or designee.

West Hennepin Public Safety 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 Director of Public Safety or designee.

1022.9 UNIFORM ALLAOWANCE

The uniforms for officers of this department shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

A. The amount of clothing allowance will be awarded to each employee as set by the West Hennepin Police Commission. This amount will be allocated the in January of each year to all employees in good standing. The amount will be designated to each employees account and approved purchases will be paid by West Hennepin Public Safety from the employees account. Account balances will be supplied to employees as requested. Any year end balances will carry over to the following year but balance shall not exceed 1.5 times the annual allotment. The balance is not payable on separation from West Hennepin Public Safety.

Employees are not allowed negative balances and will be invoiced for same.

B. The clothing allowance funds shall be used for the maintenance, repair, replacement, and purchase of uniforms and equipment per IRS definitions. The selected vendors will have annual purchase orders for department paid purchases and personal purchases to be billed against individual clothing allowance funds.

C. West Hennepin Public Safety has selected the following public safety equipment & uniform vendors for which police personnel shall purchase their uniform and equipment and they are listed as follows:

1. K.E.E.P.E.R.S.

2. STREICHER'S

3. UNIFORMS UNLIMITED

4. GALS Catalog

5. WHPS Logo Ware

6. From any Federal Firearm License dealer with a West Hennepin Public Safety issuance of Firearms Purchase letter.

D. If uniform/equipment items of interest are found at lower prices from another source, personnel shall utilize the options outlined:

1. Written request for uniform clothing allowances for up to half of the annual allotment, payable in February and September. These requested payments would subject to withholding taxes per IRS guidelines and would be noted on W-2 forms.

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2. Purchase desired items from personal funds and report to IRS at the end of each year, provided it is classified as public safety equipment per IRS definitions.

E. Employees whose duties require the wearing of uniforms may use clothing allowance funds for cleaning, maintaining, or altering of uniforms. Upon WHPS receiving substantiated expense receipts, the employee will be reimbursed in July and December. The cost of alterations can be covered in the purchase of uniforms at the selected vendors.

F. Employees who duties require the purchase of civilian type clothing may make a written request two times during the calendar for up to half of the yearly designated uniform allowance. These disbursements will be subject to withholding taxes as required by IRS and noted on W-2 form.

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Nepotism and Conflicting Relationships

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1023.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1023.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following restrictions apply:

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a. Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

    1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

    2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

b. Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

c. Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

d. To avoid actual or perceived conflicts of interest members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

e. Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender or who engages in intentional violations of state or federal laws.

1023.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor.

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In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1023.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Director of Public Safety of such actual or potential violations through the chain of command.

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Department Badges

1024.1 PURPOSE AND SCOPE

The West Hennepin Public Safety badge and uniform patch as well as the likeness of these items and the name of the West Hennepin Public Safety are property of the Department and their use shall be restricted as set forth in this policy.

1024.2 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.

1024.2.1 FLAT BADGE

Licensed officers will be issued 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.

1024.2.2 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.

1024.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase 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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1024.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all licensed employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Director of Public Safety.

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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Temporary Modified-Duty Assignments

1025.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1025.2 POLICY

Subject to operational considerations, the West Hennepin Public Safety may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1025.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Minnesota Human Rights Act (Minn. Stat. § 363A.01 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the West Hennepin Public Safety shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Director of Public Safety or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1025.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Sergeants or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

a. An assessment of the nature and probable duration of the illness or injury.

b. The prognosis for recovery.

c. The nature and scope of limitations and/or work restrictions.

d. A statement regarding any required workplace accommodations, mobility aids or medical devices.

e. A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Sergeant will make a recommendation through the chain of command to the Director of Public Safety regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Director of Public Safety or the authorized designee shall confer with the Personnel Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Sergeant or Sergeant, with notice to the Director of Public Safety.

1025.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Sergeant.

1025.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

a. Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

b. Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

c. Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

d. Submitting a written status report to the Sergeant that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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1025.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

a. Periodically apprising the Sergeant of the status and performance of employees assigned to temporary modified duty.

b. Notifying the Sergeant and ensuring that the required documentation facilitating a return to full duty is received from the employee.

c. Ensuring that employees returning to full duty have completed any required training and certification.

1025.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1025.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Minn. Stat. § 181.939; Minn. Stat. § 363A.08).

1025.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1025.8 PROBATIONARY EMPLOYEES

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Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1025.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Performance History Audits

1026.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues (e.g., problematic conduct). This policy addresses the responsibilities, performance indicators, and components of the audit; handling of collected data; and conducting appropriate interventions, when necessary.

1026.2 RESPONSIBILITIES

Under the authority of the Administration Sergeant, the Internal Affairs Unit is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate quarterly performance history audit reports that will be provided to the appropriate Sergeant. The Internal Affairs Unit will utilize confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare the report. Though generated quarterly, each report should contain data from a one-year time period.

The Administration Sergeant should forward a copy of each performance history audit report to the City Attorney for review and retention as attorney work product and confidential personnel information.

1026.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1026.3.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Director of Public Safety has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include but are not limited to the frequency and/or number of:

a. Use of force incidents.
b. Involvement and conduct during vehicle pursuits.
c. Personnel complaints, including the findings.
d. Commendations, compliments, and awards from the Department and the public.
e. Claims and civil suits related to the employee's actions or alleged actions.
f. Canine bite incidents.
g. Personnel investigations.
h. City Attorney case rejections and the reasons.

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i. Intentional or unintentional firearm discharges (regardless of injury).
j. Vehicle collisions.
k. Missed court appearances.
l. Documented counseling.

1026.3.2 DATA ANALYSIS

The Administration Sergeant will review each performance history audit report and determine whether it should be provided to the officer's immediate supervisor for further consideration.

1026.3.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant intervention to improve officer performance and avoid unnecessary uses of force. These interventions could include informal counseling, additional training, or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Sergeant of such recommendation. If the Sergeant concurs with the recommendation of the supervisor, the supervisor shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

1026.3.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Administration Sergeant, after discussion with the officer's immediate supervisor, about the need, types, and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1026.4 CONFIDENTIALITY OF DATA

Information, data, and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1026.5 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

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1026.6 POLICY

The West Hennepin Public Safety collects data to assist supervisors with evaluating the performance of their employees, including identifying problematic conduct and providing for appropriate interventions. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

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Speech, Expression, and Social Networking

1027.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the West Hennepin Public Safety.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1027.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the West Hennepin Public Safety. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1027.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of West Hennepin Public Safety members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

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1027.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the West Hennepin Public Safety, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

a. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.
b. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
    1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
    2. Expression that demonstrates support for criminal activity.
    3. Participation in sexually explicit photographs or videos for compensation or distribution.
c. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
d. Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).
e. Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
f. Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Director of Public Safety or the authorized designee.
g. Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the West Hennepin Public Safety on any personal or social networking or other website or web page, without the express authorization of the Director of Public Safety.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1027.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the West Hennepin Public Safety or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Director of Public Safety:

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a. Endorse, support, oppose, or contradict any political campaign or initiative.
b. Endorse, support, oppose, or contradict any social issue, cause, or religion.
c. Endorse, support, or oppose any product, service, company, or other commercial entity.
d. Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the West Hennepin Public Safety.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1027.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1027.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Director of Public Safety or the authorized designee should consider include:

a. Whether the speech or conduct would negatively affect the efficiency of delivering public services.
b. Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
c. Whether the speech or conduct would reflect unfavorably upon the Department.
d. Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.
e. Whether similar speech or conduct has been previously authorized.
f. Whether the speech or conduct may be protected and outweighs any interest of the Department.

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POST Licensing

1028.1 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; Minn. R. 6700.1000).

1028.2 RENEWAL SCHEDULE

Any officer whose license expires is not authorized to work as a peace officer until the license status is valid. Officers renew their POST licenses according to a schedule established by Administrative Rule (Minn. R. 6700.1000).

1028.2.1 LICENSE RENEWAL CREDITS

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the POST board proof the licensee has successfully completed board-approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continuing credit are (Minn. R. 6700.1000, Subd. 3):

- 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

1028.3 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.

1028.4 INACTIVE LICENSE

Officers who fail to complete the requirements will have their license placed in the "Inactive" status. The employee may then be placed in a temporary administrative assignment until their license is "Valid". Those employees may also face administrative discipline up to and including termination.

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POST Licensing

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PERSONNEL EMPLOYMENT POLICIES

1029.1 PURPOSE AND SCOPE

The following schedule pertains to full-time employee benefits of the Department.

1029.2 WORK SCHEDULE

A. The normal work year for a full-time employee is two thousand and eighty hours (2080) to be accounted for by each employee through:

1. Scheduled hours of work;

2. Holidays;

3. Vacations;

4. Sick Leave;

5. Training;

6. Comp Time Off

B. Nothing contained in these policies or any other shall be interpreted to be a guarantee of a minimum or maximum of hours the Employer may assign employees.

1029.2.1 SALARY

A salary schedule has been developed which reflects the annual and anniversary salary increases for employees, including adjustments for Prior Service Credit (PSC) where applicable. Effective January 1, 2025, all staff will receive a 5% wage increase. Effective January 1, 2026, all staff will receive an additional 3% wage increase. Employees eligible for PSC will have their adjusted years of service factored into the salary schedule for both base pay and longevity steps. Annual increases beyond 2026 will follow standard approval by the West Hennepin Public Safety Commission as recommended by the Director of Public Safety.

B. The salary schedule for Department personnel is based on a five (5) year step to maximize pay grade: start, 6 months, 1 year, 2 years, 3 years, 4 years, 5 years or unless otherwise stated at time of hire.

1029.2.2 OVERTIME

A. Employees will be compensated at one and one-half (1-1/2) times the employee's regular base pay for hours worked in excess of the employee's regularly scheduled shift or 40 hours per week. Changes of shifts do not qualify an employee for overtime under this provision.

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B. For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked.

C. Overtime will be calculated to the nearest thirty (30) minutes.

D. Employees have an obligation to work overtime if requested by the Employer, unless unusual circumstances prevent the employee from so working.

E. Any employee has the option of taking overtime at one and one-half (1-1/2) times the regular pay or as comp time off at one and one-half (1-1/2) times regular pay.

1029.2.3 COMP TIME

Full-time employees may not carry on the books into the next calendar year more than 40 hours of comp time without the written permission of the Director of Public Safety setting forth the time-table in which the comp time will be used..

1029.2.4 COURT TIME

An employee who is required to appear in court during his scheduled off duty time shall receive a minimum of two (2) hours pay at one and one-half (1-1/2) times the employee's base pay rate. An extension or early report to a regularly scheduled shift for court appearance does not qualify the employee for the two (2) hour minimum.

1029.3 SPECIAL ASSIGNMENT INVESTIGATOR INCENTIVE

Effective January 1, 2025, investigators will receive an annual incentive of $3,600.00, distributed equally across all pay periods. This incentive will be prorated for any period during which an individual does not serve as an investigator for the entire year.

1029.4 PRIOR SERVICE CREDIT (PSC)

Effective January 1, 2025, Prior Service Credit (PSC) allows officers with three (3) years of verifiable full-time sworn experience with anotherLocal, State, Tribal, or Federal agency to receive PSC benefits after completing three (3) full years of service with WHPS. Officers qualifying for PSC will receive 75% credit for each qualifying year of prior service to determine pay scale placement, longevity, and vacation accrual. For example, an officer hired with 10 years of qulifiying prior service who had completed 3 years at WHPS will be credited for 7.5 years of prior service, resulting in a total of 10.5 years for determining pay scale, longevity steps, and vacation accrual rates.

When an officer meets the qualifications and WHPS service requirement they be placed on the pay scall according to their total years of service, including WHPS time and adjusted prior service.

1029.5 SICK LEAVE ACCRURAL

A. Sick leave benefits for full time employees are accrued one day (8 hrs) per month or twelve days (96 hrs) per year. A part-time employee (less than 32 hours per week) will follow the sick and safe leave act established by the

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State of Minnesota. A part-time employee will earn one hour of sick time per 30 hours worked for a annual maximum of 48 hours of sick and safe leave.

B. Sick leave may be accumulated to a maximum of one hundred twenty (120) days (960 hours) for full-time employees.

C. When an employee has accumulated over 960 hours of sick leave they will bank the hours in a fund established by West Hennepin Public Safety for the purpose of retirement health insurance/medical payments. All hours will be deposited to the employees post-employment Health Care Savings Plan account administered by the Minnesota State Retirement System at 50% and converted to a monetary value by using the employees wage for that year.

D. To be eligible for paid sick leave, the employee shall follow the Sick Leave Policy 1006.

1029.6 SEVERANCE PAY

A. Upon death, retirement, layoff, or voluntary termination, full-time employees will receive severance or termination pay based on accumulated sick leave as follows:

1. If employed continuously for at least three (3) years, thirty-three and one-third (33-1/3) percent of accumulated sick leave not to exceed three hundred twenty (320)hours paid in cash.

2. If employed continuously for at least twenty (20) years, fifty (50) percent of accumulated sick leave will be paid into the employee post-employment Health Care Savings Plan account administered by the Minnesota State Retirement System.

B. Employees will be paid for maximum of 40 hours of accrued comp time, accrued vacation time not to exceed employees current vacation benefit and any accrued holiday pay. Employees continuously employed for at least (20) years, their accrued vacation time, not exceeding the current vacation benefit, comp time, and accrued holiday pay will be paid into the employee post-employment Health Care Savings Plan administered byt he Minnesota State Retirement System.

C. All severance hours will be paid using the employees wage for that year.

D. In case of death of an employee such severance pay as provided for shall be paid to the employee's beneficiary or spouse.

1029.7 VACATION BENEFITS

Employees begin accruing vacation from date of hire and may begin to take vacation after six (6) months of employment are completed.

Officers who meet Prior Service Credit (PSC) eligibility as outlined in 1029.2.4 will be placed the the total service calculation based on the PSC formula for years of service.

Vacation is to be accrued as follows:

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1-4 years 80 Hours per year

5-10 years 120 Hours per year

11-15 years 160 Hours per year

16 plus years 200 Hours per year

Employees may not accrue more than one year's worth of vacation time on the books at the end of the fiscal year, without the written permission of the Director of Public Safety, setting forth the time table in which the vacation time will be used.

1029.7.1 VACATION OFF REQUEST

Vacation-off requests will be awarded as personnel availability allows.

A. Seniority-based vacation requests are allowed when submitted as follows:

1. January 1 ," March 31 vacation requests need to be submitted by December 15th of the previous year.

2. April 1 ," December 31 vacation requests need to be submitted by March 15th. All requests will have a priority ranking of each vacation allotment.

3. The request will be submitted to the scheduling sergeant on or before December 15 or March 15.

B. All other vacation requests will be submitted to the scheduling sergeant at a minimum of two weeks before the date(s) the vacation request is for. These request will prioritized in the order they were received.

1029.8 HOLIDAYS

A. Each qualifying employee shall receive at their regular rate of pay, eighty-eight (88) hours of holiday pay, paid the first week of December of each year.

B. The twelve (12) holidays referred to are as follows:

New Year's Day (January)

Martin Luther King Day (January)

President's Day (February)

Easter (March)

Memorial Day (May)

Juneteenth (June)

Independence Day (July)

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Labor Day (September)

Veterans Day (November)

Thanksgiving Day & Friday after Thanksgiving (November)

Christmas Day (December)

C. The following option is available when the department is at it's current full authorized personnel (8 officers) in lieu of the policy stated in A above. Employees may elect to take part or all of their holidays as floating holiday. Employees electing this option will submit to the sergeant the number of holidays and the dates they wish to take off. If there is a conflict with officers wishing the same day off seniority will prevail. In case of an unexpected personnel shortage the Chief has the right to cancel all floating holidays and pay officers according to the policy as stated in paragraph A.

D. If a person is scheduled to work any of the above stated holidays they will be paid at their overtime rate for the hours worked. When possible, shifts worked on holidays will be 8-hour shifts.

1029.8.1 INSUARANCE BENEFITS

A. WHPS provides benefit-earning employees with health insurance and dental insurance coverage. Full-time employees receive family coverage. Part-time employees(less than 32 hours per week) will not receive health benefits. Dependent health and dental coverage for the full-time employee is an option. Under the Department's Hospital and Dental Program full-time employees must take single health and dental insurance coverage. Employee eligibility for the above benefits begins on the first of the month after the employee's first full month of employment.

B. WHPS will pay the premium for the life insurance for each full-time employee, up to $10,000 face value of the policy.

C. WHPS will provide a professional liability insurance policy for each full-time employee.

D. The dependent portion of the health and dental coverage will include wife or husband and sons or daughters of same.

1029.8.2 RESIGNATIONS

An employee wishing to resign from the Department shall forward a written request to the Director of Public Safety at least two weeks prior to the date of resignation. Failure to follow this procedure will result in a resignation not in good standing. The employee will not be eligble for severance pay. Unusual circumstances will be handled on a case by case basis.

1029.8.3 LEAVE OF ABSENCE

A. LEAVE OF ABSENCE

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The Department is of such a size that it is very difficult to provide a leave of absence for Department members for extended periods of time.

1. Employees must request a leave of absence in writing at least 14 days prior to effective date to the Director of Public Safety.

2. Employees on leave must submit formal application for reinstatement at least 14 days prior to termination of leave. If an employee is found to be able to satisfactorily perform their former assignment, they will be rehired in his /her former rank.

3. Leaves may be granted for only the most serious reasons such as leaves in the Departments interests, including attendance at police schools, or other leaves. Leaves of absence for business reasons or to try out other employment will not be granted.

4.The length of the leave of absence will be determined by the Director of Public Safety based on the Department needs and the availability of Department members to perform the tasks of the Department member requesting leave of absence.

B. MILITARY LEAVE

Any employee of the Department who is conscripted or who enlists in the armed forces during periods of national emergency shall be carried on military leave of absence. For military service of more than two months, vacancies will not be carried on personnel rosters. Returning officer still capable of performing the full functions of their former position must make formal written application for reinstatement within two weeks of discharge or separation. Employees will be rehired in their former rank.

C. BONE MORROW DONATION

Under Minnesota law, an eligible employee who seeks to undergo a medical procedure to donate bone marrow is entitled to up to 40 hours of paid leave. Eligibility is determined according to state law. The employer may request that the employee provide medical verification of the purpose of the leave and the length of leave required. The employer will not retaliate against an employee for requesting or obtaining a leave of absence for bone marrow donation.

D. FUNERAL LEAVE

Each employee shall be entitled to paid funeral leave or family emergency leave of a maximum of three (3) days per event to attend funerals of parents, spouse's parents, spouse, children, brother, or sister, grandparent and grandchild. Other relatives who are not immediate family: maximum of one day. The term 'Other Relatives Who Are Not Immediate Family" means a brother-in-law, sister-in-law, or grandparent-in-law. Employees who need additional time off because of the death of a family member included in the above definitions may use accrued vacation leave or compensatory time, subject to authorization by the employee's supervisor.

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EMPLOYEE SAFETY PROGRAM AND LOSS CONTROL

1030.1 PURPOSE AND SCOPE

It is important that employees have a safe, pleasant environment in which to work. We believe accidents are preventable and strive at all times to achieve an accident-free workplace environment.

West Hennepin Public Safety will provide safe procedures, safety equipment and will train all employees to work in a safe manner.

Each employee is expected to follow all procedures as set forth herein and to work in a safe manner.

Our safety committee will review this policy annually.

1030.2 WORKPLACE ACCIDENT AND INJURY REDUCTION (AWAIR)

The state legislature passed the Occupational Safety and Health Act ("OSHA") in 1970. This law requires affirmative action on the part of each employer to emphasize the responsibility of management and supervisors to provide a safe working environment and training as to safe work practices to all employees.

1030.2.1 POLICIES AND PROCEDURES

West Hennepin Public Safety has set forth the following policies and procedures to solve safety problems and remove unsafe situations. It is a priority of our department to comply with all OSHA regulations, federal and state codes, and insurance requirements.

1. Department heads, supervisors, and the safety committee are jointly responsible for the implementation of our safety program. The Safety Committee is responsible for maintaining this policy in an up-to-date condition.

2. Supervisors shall have the primary responsibility of communicating and enforcing this safety policy with all employees working under them.

3. Each employee is required to read the safety policy and is responsible to work and act in the manner set forth. All new employees must sign a memorandum verifying that they have read and understand our safety policy.

4. Employees who do not follow procedures as set forth herein are subject to discipline.

5. Supervisors shall provide on-going safety and health training to increase accident awareness and cause factors, promote acceptance of our department safety rules.

6. The Safety Committee shall conduct and document a review of the workplace accident and injury reduction program at least annually and document how procedures set forth in the program are met.

1030.3 SAFETY COMMITTEE

To eliminate work place hazards that are capable of causing significant injury or illness.

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1030.3.1 RESPONSIBILITIES

The safety committee shall:

1. Review the results of work place safety inspections to identify and analyze hazards.

2. Review accident and injury reports (including close-calls) to identify and analyze hazards.

3. Review and act upon safety and health related concerns, suggestions, and needs communicated by employees and supervisors.

4. Conduct walk through safety inspections.

5. Identify and communicate specific safety and health related needs and improvements to the Department employees.

1030.3.2 MEMBERSHIP AND RULES OF ORDER

The safety committee shall consist of:

1.The Director of Public Safety

2. Two other employees elected or appointed by their peers.

Rules of Order

1.Elections or appointments shall be made at the first department meeting of the calendar year.

2. The safety committee shall elect a chair person and secretary, and the director shall serve as a management advisor.

3. The safety committee shall establish and post goals and objectives.

4. The safety committee shall hold at least two meetings a year.

5. The safety committee secretary shall take and distribute meeting minutes.

6. The safety committee minutes shall be maintained in the S drive and in a folder maintained by the payroll administrator.

7. Meetings should follow prescribed meeting guidelines.

1030.3.3 ACCOUNTABILITY

The safety committee shall prepare an annual report. The report shall be submitted and posted for employee review. The report shall include:

1. A summary of progress made in meeting stated goals and objectives.

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2. An analysis of accidents and injuries (including close-calls) that identifies recurrent hazards and means of prevention.

3. Specific recommendations for the elimination of work place safety and health hazards.

4. Committee objectives for the coming year.

1030.4 SAFETY TRAINING

To eliminate accidents and injuries by providing training for employees of the department.

1030.4.1 TRAINING

Training should be conducted in the following situations:

1. Through new hire orientation of:

A. The department manual

B. The department FTO manual

2. Through annual training at a department meeting by reviewing:

A. The selected policies under 1063.5 Safety Procedures

B. Review of lifting or other safety brochures

3. A standard department meeting agenda item to address officer safety concerns. 4. Special training determined by the committee if there are problems or needs identified by the committee or employees. This includes training for repeat injury employees.

1030.5 SAFETY PROCEDURES

Purpose to this section is to reference all safety procedures that are contained within the WHPS Policy Manual.

312.2 Firearms Safety

Vehicle Use (306)

Operating Motor vehicles with out lights (306.17)

Confined Space (308)

Use of Body Armor (318) Must wear when in uniform

Use of Force (320)

Deadly Force (321)

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Biohazard (329) Evidence Collection and Disposal

Use of Intoxicants- Not allowed on duty (403.11)

No Tobacco use (403.17)

Physical & Mental Health Condition (406.12 ," 406.14)

Blood Borne Pathogens (802)

Pursuit Driving (806)

Bomb Threats (902)

1030.6 SAFETY INSPECTIONS

Safety Inspections are designed to prevent injuries before they happen and to demonstrate WHPS Safety committee commitment to safety.

1030.6.1 GUIDELINES

Members of the safety committee will review all articles of the safety inspection checklist all least but not limited to twice a year and make improvements to the check list if need be.

Safety Committee Members will conduct a walk through of the garage, lobby area, exterior, office, booking/cell area and a patrol unit.

Safety Committee will follow up accordingly on any problems during the inspection.

If WHPS employee notes a problem regarding safety which is not on the checklist it should be brought to the attention of a safety committee member

1030.7 ACCIDENT INVESTIGATION - SAFETY COMMITTEE

Accident investigation portion of the policy is to identify causes of employee accident/injury. It is used to establish who what where when and why the accident/injury occurred. Its primary goal is to prevent further employee accidents/injuries.

1030.7.1 GUIDELINES

1. Safety Committee will investigate all incidents involving crashes, injuries, illness and repeat incidents to employees for causation after WHPS Supervisor report.

2.Document all information regarding accident/injury from incident. Investigation will be limited to causation of accident/injury not officer actions.

3.Determine main cause of accident.

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4.WHPS Safety Committee will review OHSHA documents for investigation along with WHPS ICR.

5. WHPS Safety Committee will complete a written report showing cause of accident and any changes of training to improve work environment and document any repeat incidents.

1030.7.2 PROCEDURE

Supervisor refers copy of completed Supervisor Accident Investigation report form to WHPS Safety Committee members for review and discussion.

Supervisor gives original copy to WHPS Director.

1030.8 REPEATER COUNSELING PROGRAM

To determine what factor or factors are contributing to repeated injury/incident trends for employees and then to implement controls to prevent/reduce future injuries or near miss incidents from occurring.

1030.8.1 ACCOUNTABILITY

Chair of Safety Committee or the person responsible for coordinating employee safety efforts for West Hennepin Public Safety will need to contribute as indicated by the nature of the root causes and corrective actions.

NOTE! Some of the life stressors that may contribute to an employee's injury experience at work are highly sensitive and personal in nature. These issues must be treated with the utmost of confidentiality and concern, and the employee's rights under the law must never be jeopardized. A Human Resources professional should be called upon to address sensitive issues in keeping with department policies and with the endorsement of legal counsel.

1030.8.2 PROCESS STEPS

1. Sort incident data for repeater trends

2. Identify a list of repeaters

3. Break out incidents into types for each individual with a repeater trend: near miss, minor first aid-not OSHA recordable, OSHA recordable medical treatment only, OSHA recordable with indemnity benefits paid out by insurance company.

4. Review the accident investigations and any other source documents that are pertinent such as witness statements and training records.

5. Complete a job safety analysis

6. Complete a risk profile of the individual-see High Risk Case Attributes

7. Analyze all data for root cause trends

8. Develop a preliminary corrective action plan

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9. Meet with individual and counsel him on the outcome of the analysis

10. Finalize & implement the corrective action plan

11. Follow up on results/progress of corrective action plan and make adjustments as necessary

12. Keep a record of all of the steps 1-11 listed above.

1030.8.3 POSSIBLE CORRECTIVE ACTION AREAS

1. Reasonable job accommodations, keeping in mind WHPS is a police agency providing 24/7 police services which provides for no job reassignment.

2. Purchase of additional equipment, supplies, personal protective equipment (PPE), etc.

3. Equipment repair/maintenance

4. Develop, change or update work procedures and policies

5. Intervention for such personal issues as family problems, chemical dependency, work performance issues, job satisfaction, interpersonal relationships with other staff members, etc. Any interventions should be in accordance with established department policy relating to these issues. The company's legal counsel on employment issues should have reviewed these policies prior to implementation.

6. Disciplinary action for violation of safety rules as specified in the employer's disciplinary policy

7. Communication enhancements

8. Address any direct supervisory or management issues

9. Training (Although generally applied as a blanket fix-all to many situations the root cause(s) of repeated incidents is rarely training in and of itself. If this corrective action has been selected, be sure other correction action opportunities have not been overlooked.)

10. Additional as indicated.

11. This is not a disciplinary process in and of itself, even though the course of corrective action may call for discipline. If this program is not implemented responsibly and with integrity the organization could end up causing employees to not report incidents, which will lead to even bigger issues in the future.

1030.8.4 HIGH RISK CASE ATTRIBUTES

While it is inappropriate to generalize about all people, experience has shown that if any of the following characteristics describe the injured employee or circumstances of the incident, there is a better than average chance that workers' compensation cases will take longer to resolve and at a higher cost.

1. Un-witnessed injuries

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2. Delayed reporting, especially after scheduled days off

3. Sensational circumstances around the accident itself

4. No specific injury, complaints are vague or there is an abnormal pain distribution

5. Employee has a history of work injuries

6. Problematic employee--poor attendance, poor work habits or attitude, recent conflict with supervisor or co-workers

7. Financial gain from injuries-disability policies providing wage replacements or payment of loans, possible gain from third party suits, even the financial gain of not having to use day care when disabled from work

8. Employee seems to have detailed knowledge of the worker's compensation system, perhaps through friends or family members

9. Injuries before anticipated events such as vacations, layoffs, or personal recreation activities (hunting, the State Fair, etc.)

10. Sudden change in attitude of co-workers towards injured employee

11. Employee does not initiate contact with the employer, does not provide updated medical information, employer unable to contact employee because the employee is not at home, screens calls or does not have a telephone

12. Short employment history with current employer or poor employment history generally

13. Physically demanding job

14. Seeks treatment with medical providers known to treat excessively or to authorize lost time inconsistent with severity of injury

15. Exaggerates or minimizes complaints

16. Frequently cancels or fails appointments

17. History of previous injuries to injured body part

18. Age-younger or older, or an employee nearing retirement

19. Physical condition-severely deconditioned, significantly under weight or over weight

20. Sensational circumstances surrounding injury. Note: If any of the following points apply to the injured worker, it may be appropriate to involve Human Resources, Employee Assistance Program vendors and possibly legal counsel versed in employment law.

21. History of psychological problems

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22. History of chemical abuse or dependency

23. Personal problems-medical, family, financial or legal

24. Involvement in an abusive relationship

25. Inappropriate emotional behavior-manipulating, intimidating or passive/aggressive behavior, or excessive anger

26. Concurrent unrelated medical conditions, especially if the employee has limited medical insurance and little or no sick time

27. Seems overwhelmed ," too many personal and/or work commitments (including other jobs)

1030.9 ACCIDENT, INJURY OR ILLNESS REPORTING

1. All employees shall report an workplace accident, injury or workplace caused illness to a supervisor as soon as possible.

2. If medical treatment is required, then promptly go to the appropriate medical facility.

3. Employee will complete a ICR with case number on the date of incident. In case of serious injury and employee unable to complete the ICR the supervisor will assign case number and do initial report.

4. Supervisor shall complete a First report of Injury and Supervisor Report of Injury with in 24 hrs of receiving the report.

5. WHPS administration personnel will both reports to WHPS Workers Comp insurance within ten days.

1030.9.1 OSHA REPORTING

1.The West Hennepin Public Safety payroll person will record all recordable injuries on the OSHA 300 log of employees who are on West Hennepin payroll as well as unpaid volunteers of West Hennepin Public Safety.

2. Annual Summary ," at the end of each calendar year the OSHA 300 log will be reviewed to verify that entries are complete and accurate and any deficiencies are identified.

3. Create an annual summary of injuries and illness and record an OSHA 300 log and put that onto a 300A log.

4. Have the summary certified and signed by Director of Public Safety.

5. Post the annual summary from February 1 through April 31 of each year.

6. All illnesses or injuries in which a First Report of Injury has been has been completed will be considered a recordable incident to be recorded on the OSHA 300 log.

1030.9.2 OSHA 300 LOG RETENTION

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A.These logs shall be kept as part of the regular West Hennepin Public Safety records for a period of 5 years. If any additional illnesses or injuries are newly discovered, that year's OSHA 300 log will be updated to reflect that information. B. Exceptions.

1. the employee's name may not be put on the 300 log. On their name list 'privacy concerned case'. The following are considered privacy issues. Employee's name shall not be listed on the log.

a) injury or illness to an intimate body part or reproductive system.

b) injury or illness resulting from a sexual assault.

c) HIV infection hepatitis tuberculosis.

d) needle stick, injury, cuts from sharp objects that are contaminated by another person's blood or potentially infectious material.

e) other illnesses if the employee voluntarily requests that his/her name not be entered on the log.

C. Release of OSHA 300/300A Logs

1. OSHA Forms 300/300A and First Report of Injury may be released to government representatives, employees, former employees or authorized representatives. Forms may be released to:

a) an auditor consultant hired by the employer to evaluate the safety and health program to the extent necessary for processing a claim for workman's compensation and other insurance benefits.

b) a health authority or law enforcement agency for uses and disclosures for which consent and authorization is not required.

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Workplace Accident and Injury Reduction

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the West Hennepin Public Safety, in accordance with the requirements of Minn. Stat. § 182.653.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1031.2 POLICY

The West Hennepin Public Safety is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain a Workplace Accident and Injury Reduction (AWAIR) program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1031.3 A WORKPLACE ACCIDENT AND INJURY REDUCTION PROGRAM

The Administration Sergeant is responsible for developing an AWAIR program that shall include:

1. Workplace safety and health training programs.
2. Regularly scheduled safety meetings.
3. Posted or distributed safety information.
4. A system for members to anonymously inform management about workplace hazards.
5. Establishment of a safety and health committee that will (Minn. Stat. § 182.676; Minn. R. 5208.0010 et seq.):
    1. Meet regularly.
    2. Prepare a written record of safety and health committee meetings.
    3. Review the results of periodic scheduled inspections.
    4. Review investigations of accidents and exposures.
    5. Make suggestions to command staff for the prevention of future incidents.
    6. Review investigations of alleged hazardous conditions.
    7. Submit recommendations to assist in the evaluation of member safety suggestions.
    8. Assess the effectiveness of efforts made by the Department to meet applicable standards.
6. Establishing a process to ensure illnesses and injuries are reported as required under Minnesota Occupational Safety and Health Administration (MNOSHA) (29 CFR 1904.39; Minn. Stat. § 182.674; Minn. R. 5205.0010).
7. Descriptions of the following (Minn. Stat. § 182.653):

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1. How managers, supervisors and members are responsible for implementing the program and how continued participation of management will be established, measured and maintained
2. The methods used to identify, analyze and control new or existing hazards, conditions and operations
3. How the plan will be communicated to all affected members so that they are informed of work-related hazards and controls
4. How workplace accidents will be investigated and corrective action implemented
5. How safe work practices and rules will be enforced

The Administration Sergeant must conduct and document a review of the AWAIR program at least annually and document how the program procedures are applied (Minn. Stat. § 182.653).

1031.3.1 SAFETY AND HEALTH COMMITTEE

The Administration Sergeant will facilitate the safety and health committee and ensure applicable rules are addressed (Minn. R. 5208.0010 et seq.). The committee's purpose is to assist in the implementation of the AWAIR program and to bring workplace safety concerns or complaints to the attention of the department administration. Members of the committee must be selected by department members (Minn. Stat. § 182.676).

Duties of the committee should, at a minimum, include (Minn. R. 5208.0050):

a. Reviewing and making recommendations related to AWAIR.
b. Coordinating safety inspections.
c. Training members about AWAIR and safe working procedures.
d. Identifying the hazards associated with a particular task or job.
e. Providing input regarding new workplace safety rules.
f. Preparing AWAIR presentations for staff meetings.
g. Assisting in workplace accident investigations.
h. Reviewing and making recommendations for incidents involving work-related deaths, injuries and illnesses.

1031.4 ADMINISTRATION SERGEANT RESPONSIBILITIES

The responsibilities of the Administration Sergeant include but are not limited to:

1. Managing and implementing a plan to reduce the incidence of member illness and injury.
2. Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
    1. New member orientation that includes a discussion of safety and health policies and procedures.
    2. Regular member review of the AWAIR program.
3. Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
4. Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
    1. Informing members of the AWAIR guidelines.
    2. Recognizing members who perform safe work practices.

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3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
    a. Bloodborne pathogen precautions (29 CFR 1910.1030; Minn. Stat. § 182.6555; Minn. R. 5206.0600)
    b. Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy) (29 CFR 1910.134; Minn. R. 5205.0010)
    c. Appropriate barriers in law enforcement vehicles (Minn. R. 5205.0755)
    d. Emergency Action Plan (29 CFR 1910.38(a); Minn. R. 5205.0010)
    e. Walk-Working Surfaces (Minn. R. 5205.0010; 29 CFR 1910.21 et seq.)
    f. Personal Fall Protection Systems (Minn. R. 5205.0010; 29 CFR 1910.140)
5. Making available a form to document inspections, unsafe conditions, or work practices, and actions taken to correct unsafe conditions and work practices.
6. Making available a form to document individual incidents or accidents.
7. Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
8. Conducting and documenting a regular review of the illness and injury prevention plan.

1031.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

1. Ensuring member compliance with AWAIR guidelines and answering questions from members about this policy.
2. Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
3. Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
4. Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Sergeant.
5. Notifying the Administration Sergeant when:
    1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
    2. New, previously unidentified hazards are recognized.
    3. Occupational illnesses and injuries occur.
    4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
    5. Workplace conditions warrant an inspection.

1031.6 HAZARDS

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All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration Sergeant via the chain of command.

The Administration Sergeant will take appropriate action to ensure the AWAIR program addresses potential hazards upon such notification.

1031.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Sergeant shall ensure that the appropriate documentation is completed for each inspection.

1031.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1031.7.2 FREQUENCY OF INSPECTIONS

Safety inspections shall be conducted by the safety and health committee at a frequency decided by the committee, but at least quarterly (Minn. R. 5208.0040).

1031.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

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a. A visit to the accident scene as soon as possible.
b. An interview of the injured member and witnesses.
c. An examination of the workplace for factors associated with the accident/exposure.
d. Determination of the cause of the accident/exposure.
e. Corrective action to prevent the accident/exposure from reoccurring.
f. Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease, Personal Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1031.9 TRAINING

The Administration Sergeant should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

a. To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
b. To all members with respect to hazards specific to each member's job assignment.
c. To all members given new job assignments for which training has not previously been provided.
d. Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
e. Whenever the Department is made aware of a new or previously unrecognized hazard.
f. Annually for training related to infectious agents and hazardous substances as required by MNOSHA (Minn. Stat. § 182.653).

1031.9.1 TRAINING TOPICS

The Training Sergeant shall ensure that training includes:

a. Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
b. Use of appropriate clothing, including gloves and footwear.
c. Use of respiratory equipment.
d. Availability of toilet, hand-washing and drinking-water facilities.
e. Provisions for medical services and first aid.
f. Handling of bloodborne pathogens and other biological hazards.
g. Prevention of heat and cold stress.
h. Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
i. Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
j. Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

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k. Back exercises/stretches and proper lifting techniques.
l. Avoidance of slips and falls.
m. Good housekeeping and fire prevention.
n. Other job-specific safety concerns.

1031.10 RECORDS

Records and training documentation relating to the AWAIR program will be maintained in accordance with the established records retention schedule.

All safety and health committee recommendations and reports shall be kept for two years. The reports shall be made available to the Minnesota Department of Labor and Industry upon request (Minn. R. 5208.0050).

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Line-of-Duty Deaths

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the West Hennepin Public Safety in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Director of Public Safety may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1032.2 POLICY

It is the policy of the West Hennepin Public Safety to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1032.3 INITIAL ACTIONS BY COMMAND STAFF

1. Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Sergeant and Hennepin County Sheriffs Office Dispatch.
    1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
2. The Shift Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
3. If the member has been transported to the hospital, the Shift Sergeant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
4. The Director of Public Safety or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison)

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and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1032.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Director of Public Safety or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Director of Public Safety, Shift Sergeant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

a. Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
b. Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
c. Plan for concerns such as known health concerns of survivors or language barriers.
d. Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
e. When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
f. If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
g. Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
h. Assist the survivors with meeting childcare or other immediate needs.
i. Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
j. Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

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k. Provide their contact information to the survivors before departing.
l. Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
m. Inform the Director of Public Safety or the authorized designee once survivor notifications have been made so that other West Hennepin Public Safety members may be apprised that survivor notifications are complete.

1032.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

a. The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
b. The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Director of Public Safety.

1032.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Director of Public Safety are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1032.6 LIAISONS AND COORDINATORS

The Director of Public Safety or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

a. Department Liaison.
b. Hospital Liaison.

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c. Survivor Support Liaison.
d. Wellness Support Liaison.
e. Funeral Liaison.
f. Mutual aid coordinator.
g. Benefits Liaison.
h. Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1032.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Sergeant or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Director of Public Safety. The Department Liaison's responsibilities include, but are not limited to:

a. Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
b. Establishing contact with survivors within 24 hours of the incident and providing them contact information.
c. Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
d. Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
e. Coordinating all official law enforcement notifications and arrangements.
f. Making necessary contacts for authorization to display flags at half-mast.
g. Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
h. Coordinating security checks of the member's residence as necessary and reasonable.
i. Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1032.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

1. Arrange for appropriate and separate waiting areas for:
    1. The survivors and others whose presence is requested by the survivors.
    2. Department members and friends of the deceased member.
    3. Media personnel.
2. Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or West Hennepin Public Safety members (except for members who may be guarding the suspect).

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3. Ensure that survivors receive timely updates regarding the member before information is released to others.
4. Arrange for survivors to have private time with the member, if requested.
    1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
    2. The Hospital Liaison should accompany the survivors into the room, if requested.
5. Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
6. If applicable, explain to the survivors why an autopsy may be needed.
7. Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member’s residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member’s equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1032.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Sergeant. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

1. Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
2. Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

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3. If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
4. Providing assistance with travel and lodging arrangements for out-of-town survivors.
5. Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
    1. Items should not be delivered to the survivors until they are ready to receive the items.
    2. Items not retained as evidence should be delivered in a clean, unmarked box.
    3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
    4. The return of some personal effects may be delayed due to ongoing investigations.
6. Assisting with the return of department-issued equipment that may be at the deceased member's residence.
    1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
7. Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
8. Coordinating with the department's Public Information Officer ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
9. Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
10. Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
11. Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
12. Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
13. Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1032.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

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1. Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
    1. Members involved in the incident.
    2. Members who witnessed the incident.
    3. Members who worked closely with the deceased member but were not involved in the incident.
2. Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
3. Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
4. Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
5. Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1032.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

1. Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
2. Completing funeral notification to other law enforcement agencies.
3. Coordinating the funeral activities of the Department, including, but not limited to the following:
    1. Honor Guard
        1. Casket watch
        2. Color guard
        3. Pallbearers
        4. Bell/rifle salute
    2. Bagpipers/bugler
    3. Uniform for burial
    4. Flag presentation
    5. Last radio call
4. Briefing the Director of Public Safety and command staff concerning funeral arrangements.
5. Assigning an officer to remain at the family home during the viewing and funeral.
6. Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1032.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

a. Traffic control during the deceased member's funeral.

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b. Area coverage so that as many West Hennepin Public Safety members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1032.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

1. Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease, Personal Injury and Death Reporting Policy).
2. Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
    1. Public Safety Officers' Benefits (PSOB) Programs.
    2. Public Safety Officers' Educational Assistance (PSOEA) Program.
    3. Social Security Administration.
    4. Department of Veterans Affairs.
3. Researching and assisting survivors with application for state and local government survivor benefits.
    1. Survivor benefits (Minn. Stat. § 353.657).
    2. Disability survivor benefits (Minn. Stat. § 353.656).
    3. Continued health insurance coverage benefit (Minn. Stat. § 299A.465).
    4. Death benefit (Minn. Stat. § 299A.44).
    5. Education benefit (Minn. Stat. § 299A.45).
4. Researching and assisting survivors with application for other survivor benefits such as:
    1. Private foundation survivor benefits programs.
    2. Survivor scholarship programs.
5. Researching and informing survivors of support programs sponsored by Police associations and other organizations.
6. Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
    1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
7. Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
8. Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1032.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Director of Public Safety and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

1. Establishing methods for purchasing and monitoring costs related to the incident.

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2. Providing information on finance-related issues, such as:
    1. Paying survivors' travel costs if authorized.
    2. Transportation costs for the deceased.
    3. Funeral and memorial costs.
    4. Related funding or accounting questions and issues.
3. Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
4. Providing accounting and cost information as needed.

1032.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's [PIO] should be the department's contact point for the media. As such, the [PIO] should coordinate with the Department Liaison to:

1. Collect and maintain the most current incident information and determine what information should be released.
2. Ensure that department members are instructed to direct any media inquiries to the [PIO].
3. Prepare necessary press releases.
    1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
    2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
4. Arrange for community and media briefings by the Director of Public Safety or the authorized designee as appropriate.
5. Respond, or coordinate the response, to media inquiries.
6. If requested, assist the member's survivors with media inquiries.
    1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
7. Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
8. If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.

1032.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

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- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1032.9 INVESTIGATION OF THE INCIDENT

The Director of Public Safety shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1032.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Director of Public Safety may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1032.11 NON-LINE-OF-DUTY DEATH

The Director of Public Safety may authorize certain support services for the death of a member not occurring in the line of duty.

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Employee Wellness Annual Check-Up

1033.1 POLICY

The West Hennepin Public Safety Department is committed to enhancing resiliency of staff by educating, influencing and assisting staff to invest in themselves to ensure stability and longevity in their personal and professional lives. It is the policy of the West Hennepin Public Safety Department to promote mental health by providing staff with cost-free partnerships with mental health professionals that specialize in working with first responders.

1033.2 DEFINITIONS

Approved Mental Health Professional: A licensed mental healthcare provider who has undergone the approval process with the police department and has established a current contract or working relationship with the city.

Privacy: The expectation of an individual that disclosure of personal information is confined to or intended only for the recipient of the information.

Confidentiality: A professional or ethical duty to refrain from disclosing information from or about a recipient of support services, barring any exceptions recommended to be disclosed at the outset.

Privilege: The legal protection from being compelled to disclose communications in certain protected relationships, such as between attorney and client, doctor and patient, priest and confessor, or in some states, peer support persons and sworn or civilian personnel.

Work out on duty:A voluntary option for all full-time staff to work-out in the West Hennepin Public Safety Department fitness room while on-duty.

1033.3 OPERATIONAL GUIDELINE

This confidential in-house program allows staff access to qualified mental health professionals specifically contracted by the West Hennepin Public Safety Department to provide individualized assistance, under the following guidelines:

- The program is mandatory for full and part time licensed officers. Spouses, family members and significant others are excluded, but may qualify for the City Employee Assistance Program (EAP).
- All licensed officers will complete one (1) check-in session annually, typically 60-75 minutes, with the approved mental health professional.
- Licensed Officers may complete their annual check-in session one of the following ways:
  - Meeting with the contracted mental health professional.
  - Meeting with one of the vetted, first responder friendly, mental health professionals. A list of current contracted and vetted mental healthcare providers will be maintained by the Sergeant.

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- Officers may choose their own licensed mental health professional for their annual check-in session. If an Officer decides to use a licensed alternative healthcare professional for their annual check-in, the staff member will complete a Release of Information form to allow their provider to confirm with the contracted mental health professional that the annual check-in has been completed. The contracted mental health provider will then report to the Sergeant the attendance of the Officer with an alternative mental health professional.

- The cost of the yearly mandatory session will be paid for by the West Hennepin Public Safety Department, as long as it is with one of the approved mental health professionals or those offered on the vetted mental health professional list or their own alternative licensed healthcare professional.
- The West Hennepin Public Safety Department also maintain an independent list of mental healthcare professionals that may be utilized.
- If needed or beneficial, Officers may request ***or*** the approved mental health professional may suggest, additional check-in sessions. These suggested additional sessions are not mandatory and an Officer may elect not to attend any additional sessions.
- If additional sessions are requested, West Hennepin Public Safety will pay up to five additional sessions with the approved mental health provider for each Officer.
- After the five additional sessions, the Officer is responsible for payment and scheduling of any additional sessions with the mental health professional.
- Officers will be paid two hours of comp time (1.5 hours per hour) for the mandatory annual check-in session if held outside of work hours, which includes the session and drive time.
- Officers will be paid two hours of regular pay (straight time) for each additional session outside of work hours, up to a total of five additional sessions, as long as the additional sessions are with an approved mental health professional and the same documentation of attendance used for the required annual check in is forwarded to the department.
- Annual check-in sessions with the approved mental health professional are confidential, private, and will be billed anonymously, per contract. Billing needs to indicate who attended and the date.
- The approved mental health professional shall ***not*** conduct fit for duty evaluations.
- Though this program's intent is not to give a diagnosis of Officers, the approved mental health professional may assist or treat Officers if a diagnosis is determined.
- Approved mental health professionals shall be prohibited from sharing any annual check-in information about Officers, other than annual Officer compliance confirmation. Each individual will be protected under HIPPA through informed consent.
- The approved mental health professional and the sergeant will work together to ensure all staff complete annual check-ins.

1033.4 EMPLOYEE ASSISTANCE PROGRAM

West Hennepin Public Safety Department is responsible for carrying out varied and complex programs, policies, and missions. West Hennepin Public Safety Department key resource in meeting this responsibility is its employees.

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West Hennepin is therefore interested in providing employees and their family members with support and resources to help contribute to a productive and healthy workforce. The Employee Assistance Program (EAP) helps address and build social and behavioral skills needed to increase success in the workplace, as well as identify options around and/or solutions to personal and work-related challenges, which may interfere with an employee's job performance, job satisfaction, and/or longevity in their career.

It is the policy of West Hennepin Public Safety Department to maintain and promote an EAP that will support the organization and its employees.

West Hennepin Public Safety Department Employee Assistance Program is available to all employees. The Employee Assistance Program is provided by Health Partners which provides confidential services to the employee and family members to deal with a wide array of issues. All employees may contact the EAP program at 1-866-326-7194 and receive a employee assistance. This assistance is confidential.

1033.5 ON DUTY PHYSICAL FITNESS

The expectation of the West Hennepin Public Safety Department and the community is that police officers that are sworn to offer extraordinary protection and superior service are physically and mentally fit to perform this goal. The West Hennepin Public Safety Department offers a voluntary health and fitness program that incorporates regular exercise, stress management and the overall choice of a healthy lifestyle along with the mandated mental health consultations.

The purpose of this is policy is to encourage officers to participate in the established fitness program, maintaining a healthy lifestyle which will produce a direct correlation to improved service to our communities.

The West Hennepin Public Safety Department has developed a voluntary on-duty physical fitness program, whereas officers have the opportunity depending on workload and staffing (minimum 2 officers on) to exercise during their shift. Officers are also encouraged to continue with a fitness regimen on days off.

Officers are required to complete a liability waiver that has been reviewed and vetted by our City Attorney.

Officers are allowed to exercise in lieu of their break period not to exceed a period of time greater than 60 minutes. This time is to include the doffing and donning of their uniform and/or the use of the showering facility. Officers are required to monitor their portable radios. If a supervisor is on duty they are responsible for monitoring and coordinating exercise times for their shift.

Officers are required to return to their patrol duties if advised by their supervisor or if a situation dictates more officers to assist the assigned patrol officer. Officers are expected to use common sense regarding street coverage prior to and during their exercise period.

Officers are allowed to use the facility at any hour during their off-duty time. Officers are expected to replace equipment on the designated racks or positions. No weight discs are to be left on the equipment.

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Job Descriptions

1034.1 DIRECTOR OF PUBLIC SAFETY

The Director of Public Safety is the Chief Law Enforcement Officer and Director of Emergency Management. The Director is primarily responsible for the implementation of policies, records management systems, and programs necessary for the collection of data, police communications, coordination of mutual aid agreements, apprehension of criminals, delivery of all law enforcement and emergency management services and serves as an advisor to fire departments commissions contracted by the each city served by the Joint Powers Agreement (JPA) for West Hennepin Public Safety Department. The Director of Public Safety will advise the West Hennepin Police Commission on matters of police personnel and human resources, coordinate the annual police budget, including payroll, and handle health benefits for all employees.

1034.2 SCOPE OF IMPACT

The Director of Public Safety supervises all police employees and monitors department performance. The Director also serves as Emergency Management Director for cities served by the Joint Powers Agreement (JPA) for West Hennepin Public Safety Department.

1034.3 ESSENTIAL DUTIES AND RESPONSIBILITIES

- Plans, organizes, directs, and reviews all operations of the West Hennepin Public Safety Department.

o Plans methods and procedures to meet operating needs, review and approve recommendations for staff organization and assignments, and for reviewing procedures and records;

o Ensures operation of the department through the development and execution of policies and programs necessary for the prevention of crime and protection of lives and property;

o Develops program objectives that will guide the future development of the department in terms of anticipated needs;

o Meets with citizens concerning complaints, activities of the department and other matters of public interest important in the development of good public relation;

o Serves as principal spokesperson for the police department in front of media and the public.

- Recruits and provides supervision for all police employees and volunteers.

o Administers the hiring and/or promotion process subject to approvals by the Police Commission.;

o Ensures that all sworn officer candidates meet all Minnesota Board of Peace Officers Standards and Training requirements;

o Arranges for a psychological review for candidates and, as needed, facilitates a Professional Interview Board, police commission interviews, written test, physical exams, and a background investigation;

o Assists in the formulation and implementation of labor agreements between police commission and employee organizations;

o Issues special orders to subordinate officers;

o Reviews operating performance records and reports to determine officers' effectiveness and efficiency;

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o Reviews recommendations on personnel problems and takes disciplinary action;
o Directs and reviews the preparation of training programs for police officers.

• Administers the department budget planning, review and cost control program.
o Directs preparation of a budget designed to efficiently meet service levels and working closely with the City Administrator(s) prepares recommendations for Police Commission Approval;
o Monitors and controls overtime;
o Prepares and direct the preparation of periodic or special reports on department activities and operations.

• As Emergency Management Director, prepares emergency plans that meet all State and Federal requirements.
o Completes the certified Emergency Management certificate program;
o Provides proactive and required training for staff, Council, and citizens consistent with the Emergency Plan;
o Manages the outdoor warning system and budgets for emergency preparedness programs and equipment and implements Emergency Plans when appropriate.
o In the event of an emergency, executes the Emergency Operations Plan in order to protect the life and safety of residents.
o Coordinates disaster recovery and reunification efforts.

• Communicates, confers, and works with official representatives of other criminal justice agencies throughout the county, state, and nation.
o Participates in local, county, state, and national organizations representing the department and keeping abreast of law enforcement and emergency management requirements;
o Attends meetings, training, and conferences relative to job responsibilities;
o Takes a leadership role promoting collaborative law enforcement and emergency management partnerships, services and community involvement.

• Coordinates contracted fire departments.
o Coordinates activities between the police department and fire departments.
o Attends Fire Commission meetings to assist in future planning needs between police and fire agencies.

• Attends City Council and other meetings as needed.
o Represents the West Hennepin Public Safety in front of the public, news media and government agencies in a manner that conveys a positive image of city government and that fosters cooperation and support;
o Being respectful for individual ideas and interests, the Director is sensitive to diverse audiences in communication regarding city business;
o Follows all legal communications requirements including those relating to public access to information and open meetings and councils others regarding appropriate procedure and content;

o Listens to various individuals and groups, including citizens and other units or agencies of government and brings that information into the formulation of positions and directions;
o Provides well-defined information to the local media and fosters cooperative professional relationships with members of the media in order to facilitate accuracy of information regarding matters of importance and interest;
o Builds working relationships with elected and appointed officials at the federal, state, county and regional level in

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order to be in a position to advocate for the best interest of the West Hennepin Public Safety and the City(s) they serve under the JPA;
o Seeks cooperation from others in the form of actions, grants or other desired outcomes by framing requests in a concise and favorable manner.

• Under authority granted by the West Hennepin Police Commission directs hiring of qualified staff and administration salary and health care benefits negations.
o Takes a leadership role in development of employees, employment policy, and collective bargaining,
o Manages performance of staff directly and through subordinate supervisors;
o Signs-off on timesheets, verify use of time off and monitors banking and use of compensatory time off.

Minimum Qualifications:

The Director of Public Safety must possess at least a two-year degree from an accredited college in law enforcement, public administration, or a related field, or an equivalent combination of education and progressively responsible experience. A bachelor's degree is preferred. Candidates should have a minimum of 15 years of progressively responsible work experience in public safety, demonstrating leadership and operational expertise. Experience as a supervisor or in a higher-level leadership role within a public safety or law enforcement agency is required. Certification as a licensed peace officer in the State of Minnesota, or eligibility for such certification upon hire, is mandatory. Candidates must also successfully complete a comprehensive background investigation and meet all physical and psychological requirements set by the department.

Desired Qualifications:

Preferred qualifications include a bachelor's, master's, or higher degree in law enforcement, public administration, criminal justice, or a related field. The ideal candidate will have proven experience managing large-scale operations, overseeing budgets, and engaging in strategic planning within public safety or law enforcement. Strong interpersonal and communication skills are essential, including the ability to engage with diverse communities and establish effective partnerships. Advanced training in leadership, organizational management, or crisis response is highly desirable. Additionally, candidates should demonstrate the ability to develop and implement innovative policies and programs that enhance public safety services.

Knowledge, Skills and Abilities Required for Successful Job Performance:

• Comprehensive knowledge of modern police methods, management, administration, and demonstrated ability to apply the same;
• Comprehensive knowledge of scientific methods of crime detection and criminal identification;
• Comprehensive knowledge of federal, state, and local laws and ordinances, which are enforced by the department;

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• Comprehensive knowledge of types of uses of firearms, communications, and automotive equipment used in modern police work;

• Knowledge of functions of federal, state, and local jurisdictions and authorities as they relate to police work;
• Ability to plan, initiate and carry out long-range programs and department administration, employee training, law enforcement;
• Ability to plan, evaluate, and direct the work of subordinates, performing varied operations connected with police activities;
• Ability to establish and maintain cooperative working relationships with other city officials, state and federal authorities, and the public;
• Ability to react calmly and quickly in an emergency and to make correct decisions in such cases;
• Ability to prepare and present effective oral and written reports relating to the activities of the police department;
• Ability to define problems, collect data, establish facts, and draw valid conclusions;
• Ability to apply commonsense understanding to carry out instructions furnished in written, oral, or diagram form;
• Strong interpersonal and good customer service skills.
• Knowledge of and ability to operate standard office software sufficient to manipulate data, draft reports and maintain records;
• The ability to work independently and to prioritize work requests;
• Verbal and high-level written communication skills sufficient to effectively present information and respond to questions from a wide variety of audiences, and reading comprehension skills sufficient to read, understand and interpret complex and varied work-related materials;
• Knowledge of data privacy laws and ability to maintain highest confidentiality when dealing with sensitive or private information.

Physical and Mental Requirements:

The Director of Public Safety is responsible for diverse matters, many of which have deadlines and require significant attention to detail. Approximately 25% of the time, work is performed at the highest level of detail and pressure of deadlines. The position frequently requires intense mental acuity and some decisions carry mortal consequences. Work interruptions are frequent. While performing the duties of this job, the employee is regularly required to use hands to handle or feel objects, use tools or controls, talk and hear. The employee moves about regularly from office to field. The employee is occasionally required to stand; walk; reach with hands and arms; and stoop, kneel, crouch, crawl, climb, or twist. The employee must occasionally lift and/or move over 75 pounds, such as during emergency rescue.

Working Conditions:

Field duties expose the job to conditions experienced in police work including occasion physical exertion and physical labor. The essential functions of this job can have a wide range of factors from extreme hot to extreme cold, wet or humidity. There is exposure to sudden danger or hazards associated with driving, traffic enforcement, rescues, domestic disputes, mentally ill individuals, or criminal law enforcement. Caution must be used with exposure to blood borne illnesses. Protective gear can at times be uncomfortable to wear. Incumbent must be able to work on an emergency basis and work unusual hours if required, either by direction or necessity.

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Some requirements in this job description may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees. All requirements are subject to modification to reasonably accommodate individuals with disabilities.

Requirements are representative of minimum levels of knowledge, skills, and experience required. To perform this job successfully, the worker must possess the abilities and aptitudes to perform each duty proficiently.

This document does not create an employment contract, implied or otherwise, other than an "at will" employment relationship. The West Hennepin Police Commission retains the discretion to add duties or change the duties of this position at any time.

1034.4 SERGEANT

The Sergeant is responsible for the maintenance of order, enforcement of the laws, and the protection of life and property; assists in the investigation of criminal offenses, accidents or other police related problems.

1034.5 SCOPE OF IMPACT

This is a designated supervisory position responsible for advanced levels of investigative and technical law enforcement work, as well as serving as a second in command to the Director of Public Safety and West Hennepin Police Commission. At times work is performed while other management is not on duty.

1034.6 ESSENTIAL DUTIES AND RESPONSIBILITIES

- Provides leadership to department officers and support staff.

o Directs and leads subordinates in enforcing laws and ordinances;
o Assumes command of the department in absence of the Director;
o Effectively utilizes available resources by assigning personnel and monitoring their work to ensure proper performance of police functions; assigns work activities and projects; monitors work flow; coordinates department work schedules for officers in order to ensure coverage;
o Participates in employee development and any discipline process; assists the Director with performance reviews; reviews and evaluates work products, methods and procedures;
o Coordinates equipment and technology maintenance and purchases; assists with estimates and bids;
o Interprets policies and procedures for application;
o Meets with staff to identify and resolve problems;
o Assigns and evaluates specialty duties;
o Coordinates and supervises field training;
o Participates in department budget development;
o Researches, develops, and manages department grant applications;
o Maintains and participates in the development of department policies;
o Assists in the planning, training, and implementation of the City’s Emergency Operations Plan;

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o Works closely with police support staff to provide guidance, training and any other assistance that may assist them in the performance of their duties.

• Engages community members in identifying and resolving neighborhood problems through community-oriented governance techniques.

o Actively builds and maintains positive relationships throughout the community;
o Analyzes crime trends;
o Utilizes inclusive problem-solving strategies;
o Facilitates communication with all areas of local government to address residents' quality of life concerns;
o Firmly, tactfully, and courteously handles situations with respect for the rights of others;
o Consults with local businesses and individuals to provide best practices for crime reduction and crime prevention through environmental design;
o Participates in crime prevention, community policing, and neighborhood watch activities;
o Manages and participates in public education programs as assigned.

• Patrols City streets, parks, commercial, and residential areas to preserve peace and enforce the law through traffic control and the prevention, detection, and investigation of criminal conduct.
o Works rotating shifts;
o Works within constitutional, statutory, case law, and policy boundaries;
o Maintains appropriate licenses and certifications such as Minnesota P.O.S.T. Board, Minnesota Driver's License, medical certifications, etc. as necessary to perform the duties of the position;
o Determines whether probable cause exists for stopping drivers or entering and/or searching property;
o Responds to emergency radio calls and investigates accidents, robberies, civil disturbances, domestic disputes, fights, drunkenness, missing children, prowlers, alarms, abuse of drugs, etc., and takes appropriate law enforcement action;
o Requests checks on car registrations, warrants, firearms, and issues tickets, citation or tags for illegal violations;
o Takes written and oral statements from victims and witnesses;
o Apprehends, transports, and temporarily holds violent and non-violent prisoners and suspects;
o Interrogates suspects and takes sworn statements, formal confessions or depositions;
o Preserves and collects evidence as needed;
o Provides life-saving first aid measures;
o Testifies at court trials, hearings or grand juries;
o Develops, composes, and presents detailed written investigative reports to the appropriate authorities;
o Faces dire situations and is prepared to use deadly force when justified;
o Accurately fires and maintains departmental handgun and rifle as needed;
o Prepares for and responds to severe weather incidents;
o Maintains roadway safety by assisting stranded motorists, removing hazards, and notifying responsible authorities of repair needs;
o Monitors crime areas, makes business checks or vacation checks of private dwellings;
o Effectively and professionally communicates with members of the public and City staff;

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o Expertly operates a variety of motor vehicles;
o Cleans, maintains, and fuels department vehicles;
o Appropriately utilizes a variety of electronic communication devices including portable radios, computers, and cellular telephones;
o Manages public safety functions at community events;
o Exercises sound judgment;
o Conducts field training;

o Completes departmental operation and maintenance duties as assigned.

• Responds to inquiries from the public on the phone or in person such as complaints, law interpretation, or referrals to the proper agency.
o Provides literature and resources to the public as requested;
o When unable to directly resolve the issue, facilitates an appropriate answer or direction;
o Recognizes opportunities to counsel, provide guidance and service to the public as a means of developing community understanding and cooperation in matters related to public safety and law enforcement.

Performs other duties and activities as apparent or assigned.

Minimum Qualifications:

The job requires a two-year associate degree and eight or more years of police officer experience. The job requires the ability to be licensed under the MN P.O.S.T. selections standards. A valid driver's license is required. Candidates must pass a background check and appropriate physical and mental screening. Candidates must maintain job related licenses, certifications, and memberships. Completion of the Minnesota Chiefs of Police Leadership Academy or CLEO and Command Academy, along with substantial coursework in Emergency Management is required. The incumbent must attend training and seminars as well as continuing education, such as completion of the Emergency Management Certification, Minnesota CLEO & Command Academy, and the Minnesota BCA Management Series.

Desired Qualifications:

Additional desired qualifications include First Responder or higher medical training; knowledge of police computer technology; bachelor's degree in criminal justice or police science.

Knowledge, Skills and Abilities Required for Successful Job Performance:

• Verbal and high-level written communication skills sufficient to effectively present information and respond to questions from a wide variety of audiences, and reading comprehension skills sufficient to read, understand, and interpret complex and varied work-related materials;
• Acceptable math skills including: the ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals; the ability to compute rate, ratio, and percent; the ability to measure distances; the ability to perform mathematical formulas involving decimals and fractions for alcohol testing and accident reconstruction;

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- Acceptable reasoning ability including: the ability to define problems, collect data, establish facts, and draw valid conclusions; the ability to interpret an extensive variety of technical instructions in mathematical diagram form and deal with several abstract and concrete variables; the ability to quickly process information and make decisions;
- Ability to analyze and resolve problems where precedent may not always exist; must be able to use extremely good judgment quickly and utilize all knowledge of police policies and procedures, civil rights laws, State and Federal mandates, court decisions and all training received;
- Strong interpersonal and communication skills in dealing with difficult situations and people; ability to work cooperatively with all city departments;

- Maintains skilled proficiency in the use of firearms;
- Maintains skilled proficiency in emergency medical response;
- Ability to quickly learn, understand, interpret and apply City ordinances, state statutes, and federal laws.
- Knowledge of the legal process, chain of custody, methods of handling evidence and techniques for interrogation of witnesses and suspects;
- Knowledge of the functions and responsibilities of City Departments;
- Ability to de-escalate emotional responses or extreme behaviors;
- Ability to perform in a professional and courteous manner when responding to requests from the public and other staff members;
- Ability to maintain a positive attitude toward work, the public, and coworkers;
- Knowledge of and ability to operate standard office software sufficient to manipulate data, draft reports and maintain records;
- Ability to work effectively as a member of a team;
- Ability to work independently and without direct supervision;
- Ability to prioritize work requests;
- Ability to work and to remain in control of a variety of stressful situations;
- Knowledge of data privacy laws and ability to maintain highest confidentiality when dealing with sensitive or private information.
- Consistent attendance during regularly scheduled work hours and outside regularly scheduled hours as needed.

Physical and Mental Requirements:

Physical effort varies from low to very high with intermittent and indeterminate periods of rest. The position requires the ability to perform rescue work, arrests, and emergency response where handling or dragging a person is required in all weather conditions. This position will require smelling, feeling, sitting, standing, twisting, turning, walking, repetitive movements, bending, crouching, kneeling, squatting, reaching overhead, grasping, lifting and carrying of heavy objects, pulling, sustained holding, climbing, foot chases, grappling, and manipulating objects requiring manual dexterity.

Report preparation and word processing will at times require extended use of a computer monitor and keyboard. Work interruptions are frequent. The position requires the ability to skillfully operate police emergency vehicles, police ATVs, radar, Mobile Digital Computer, digital recording equipment, emergency first aid equipment,

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extrication equipment, alco-sensors, computers and related software, and a variety of police duty weapons and restraints.

Working Conditions:

Work is divided between field patrol and an office environment. Patrol work can involve extreme weather conditions. While performing the duties of this position employees may be exposed to extreme heat and cold, wet and /or humid conditions, moving mechanical parts, vibrations, high or precarious places, fumes, airborne particles, and toxic or caustic chemicals.

Dealing with domestic disturbances and emergency response can present a significant danger of injury. Exposure to trauma and criminal activity can present very disagreeable conditions and will occur on an intermittent basis. Incumbent must be able to work extended hours on an emergency basis and work unusual hours if required, either by direction or necessity. As an exempt employee, the incumbent must be available outside of regularly scheduled hours unless previous arrangements have been made.

Some requirements in this job description may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees. All requirements are subject to modification to reasonably accommodate individuals with disabilities.

Requirements are representative of minimum levels of knowledge, skills, and experience required. To perform this job successfully, the worker must possess the abilities and aptitudes to perform each duty proficiently.

This document does not create an employment contract, implied or otherwise, other than an "at will" employment relationship. The West Hennepin Director of Public Safety retains the discretion to add duties or change the duties of this position at any time.

1034.7 POLICE OFFICER

The Police Officer is responsible for the maintenance of order, enforcement of the laws, and the protection of life and property. The Police Officer investigates criminal offenses, accidents, and other police related problems.

1034.8 SCOPE OF IMPACT

The position is responsible for criminal investigations, traffic enforcement, technical law enforcement work, and special duties as assigned. The position will manage public safety services at community events and supervise Reserve Officers and Volunteers as needed. Work is performed under direction of the Director of Public Safety and Police Sergeant.At times work is performed while management is not on duty.

1034.9 ESSENTIAL DUTIES AND RESPONSIBILITIES

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• Engages community members in identifying and resolving neighborhood problems through community-oriented governance techniques.
o Actively builds and maintains positive relationships throughout the community;
o Analyzes crime trends;
o Utilizes inclusive problem-solving strategies;
o Facilitates communication with all areas of local government to address residents' quality of life concerns;
o Firmly, tactfully, and courteously handles situations with respect for the rights of others;
o Consults with local businesses and individuals to provide best practices for crime reduction and crime prevention through environmental design;
o Participates in crime prevention, community policing, and neighborhood watch activities;
o Manages and participates in public education programs as assigned.

• Patrols City streets, parks, commercial, and residential areas to preserve peace and enforce the law through traffic control and the prevention, detection, and investigation of criminal conduct.
o Works rotating shifts;
o Works within constitutional, statutory, case law, and policy boundaries;
o Maintains appropriate licenses and certifications such as Minnesota P.O.S.T. Board, Minnesota Driver's License, medical certifications, etc. as necessary to perform the duties of the position;
o Determines whether probable cause exists for stopping drivers or entering and/or searching property;

o Responds to emergency radio calls and investigates accidents, robberies, civil disturbances, domestic disputes, fights, drunkenness, missing children, prowlers, alarms, abuse of drugs, etc., and takes appropriate law enforcement action;
o Requests checks on car registrations, warrants, firearms, and issues tickets, citation or tags for illegal violations;
o Takes written and oral statements from victims and witnesses;
o Apprehends, transports, and temporarily holds violent and non-violent prisoners and suspects;
o Interrogates suspects and takes sworn statements, formal confessions or depositions;
o Preserves and collects evidence as needed;
o Provides life-saving first aid measures;
o Testifies at court trials, hearings or grand juries;
o Develops, composes, and presents detailed written investigative reports to the appropriate authorities;
o Faces dire situations and is prepared to use deadly force when justified;
o Accurately fires and maintains departmental handgun and rifle as needed;
o Prepares for and responds to severe weather incidents;
o Maintains roadway safety by assisting stranded motorists, removing hazards, and notifying responsible authorities of repair needs;
o Monitors crime areas, makes business checks or vacation checks of private dwellings;
o Effectively and professionally communicates with members of the public and City staff;
o Expertly operates a variety of motor vehicles;
o Cleans, maintains, and fuels department vehicles;
o Appropriately utilizes a variety of electronic communication devices including portable radios, computers, and

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cellular telephones;
o Manages public safety functions at community events;
o Exercises sound judgment;
o Conducts field training;
o Completes departmental operation and maintenance duties as assigned.

• Responds to inquiries from the public on the phone or in person such as complaints, law interpretation, or referrals to the proper agency.
o Provides literature and resources to the public as requested;
o When unable to directly resolve the issue, facilitates an appropriate answer or direction;
o Recognizes opportunities to counsel, provide guidance and service to the public as a means of developing community understanding and cooperation in matters related to public safety and law enforcement.

• Performs other duties and activities as apparent or assigned.

Minimum Qualifications:

The minimum educational requirement for the position is a two-year associate degree in law enforcement, criminal justice, or a related field. The job requires the ability to be licensed under the MN
P.O.S.T. selections standards. A valid driver's license is required. Candidates must pass a background check and appropriate physical and psychological screening. Employees must continuously maintain job related licenses, certifications, and memberships. Employees must maintain physical conditioning commensurate with the performance of all job duties.

Desired Qualifications:

A bachelor's or advanced degree in any field is preferred.

Knowledge, Skills and Abilities Required for Successful Job Performance:

• Verbal and high-level written communication skills sufficient to effectively present information and respond to questions from a wide variety of audiences, and reading comprehension skills sufficient to read, understand, and interpret complex and varied work-related materials;
• Acceptable math skills including: the ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals; the ability to compute rate, ratio, and percent; the ability to measure distances; the ability to perform mathematical formulas involving decimals and fractions for alcohol testing and accident reconstruction;
• Acceptable reasoning ability including: the ability to define problems, collect data, establish facts, and draw valid conclusions; the ability to interpret an extensive variety of technical instructions in mathematical diagram form and deal with several abstract and concrete variables; the ability to quickly process information and make decisions;
• Ability to analyze and resolve problems where precedent may not always exist; must be able to use extremely good judgment quickly and utilize all knowledge of police policies and procedures, civil rights laws, State and Federal mandates, court decisions and all training received;
• Strong interpersonal and communication skills in dealing with difficult situations and people; ability to work

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cooperatively with all city departments;
- Maintains skilled proficiency in the use of firearms;
- Maintains skilled proficiency in emergency medical response;
- Ability to quickly learn, understand, interpret and apply City ordinances, state statutes, and federal laws.
- Knowledge of the legal process, chain of custody, methods of handling evidence and techniques for interrogation of witnesses and suspects;
- Knowledge of the functions and responsibilities of City Departments;
- Ability to de-escalate emotional responses or extreme behaviors;
- Ability to perform in a professional and courteous manner when responding to requests from the public and other staff members;
- Ability to maintain a positive attitude toward work, the public, and coworkers;
- Knowledge of and ability to operate standard office software sufficient to manipulate data, draft reports and maintain records;
- Ability to work effectively as a member of a team;
- Ability to work independently and without direct supervision;
- Ability to prioritize work requests;
- Ability to work and to remain in control of a variety of stressful situations;
- Knowledge of data privacy laws and ability to maintain highest confidentiality when dealing with sensitive or private information.
- Consistent attendance during regularly scheduled work hours and outside regularly scheduled hours as needed.

Physical and Mental Requirements:

Physical effort varies from low to very high with intermittent and indeterminate periods of rest. The position requires the ability to perform rescue work, arrests, and emergency response where handling or dragging a person is required in all weather conditions. This position will require smelling, feeling, sitting, standing, twisting, turning, walking, repetitive movements, bending, crouching, kneeling, squatting, reaching overhead, grasping, lifting and carrying of heavy objects, pulling, sustained holding, climbing, foot chases, grappling, and manipulating objects requiring manual dexterity.

Report preparation and word processing will at times require extended use of a computer monitor and keyboard. Work interruptions are frequent. The position requires the ability to skillfully operate police emergency vehicles, police ATVs, radar, Mobile Digital Computer, digital recording equipment, emergency first aid equipment, extrication equipment, alco-sensors, computers and related software, and a variety of police duty weapons and restraints.

Working Conditions:

Work is divided between field patrol and an office environment. Patrol work can involve extreme weather conditions. While performing the duties of this position employees may be exposed to extreme heat and cold, wet and /or humid conditions, moving mechanical parts, vibrations, high or precarious places, fumes, airborne particles, and toxic or caustic chemicals.

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Dealing with domestic disturbances and emergency response can present a significant danger of injury. Exposure to trauma and criminal activity can present very disagreeable conditions and will occur on an intermittent basis. Incumbent must be able to work extended hours on an emergency basis and work unusual hours if required, either by direction or necessity.

Some requirements in this job description may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees. All requirements are subject to modification to reasonably accommodate individuals with disabilities.

Requirements are representative of minimum levels of knowledge, skills, and experience required. To perform this job successfully, the worker must possess the abilities and aptitudes to perform each duty proficiently.

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1034.10 OFFICE ADMINISTRATOR

The West Hennepin Public Safety Office Administrator performs difficult professional, clerical, financial and administrative work managing the administrative and support functions of the department. This position provides direct support for police administration and staff, handles sensitive department documents, provides human relation and finance services for the department, including but not limited to accounts payable, accounts receivable, financial reports, employee benefits and payroll, dispatch services and records management, training records, annual insurance renewals and a grant application for the police officer federal vest reimbursement program. The office administrator backups the Administrative Assistant/TAC when out of the office by handling window walk in services, telephone coverage, MOC coding reports in the records management system and writing and submitting the weekly media release. The main responsibility of this position is to the planning and control of all departmental finances and record systems to maintain a coordinated and efficient office and records system. Work is performed independently with minimal guidance from the police chief. Performs other duties as apparent or assigned.

1034.11 SCOPE OF IMPACT

The West Hennepin Public Safety Office Administrator impacts the effectiveness of the department and performs assigned duties without minimal work direction on daily tasks.

1034.12 ESSENTIAL DUTIES AND RESPONSIBILITIES

- Provide office support for the department:

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- Back up the Administrative Assistant/TAC with receiving visitors and answering telephone calls; referring callers to proper persons and/or provide requested information and records in accordance with state and local laws and policies; take complaints from the public, preparing written reports or referring complaints to the officer on duty and dispatching calls for officers received on the non-emergency line
- Prepare and type correspondence, labels, reports, memos, letters, ordinances
- Proofread and edit a variety of documents for the police chief, sergeant, investigator and officers, including general correspondence, reports, memorandums, minutes and statements
- Maintain a supply of department forms and office materials
- Research, select and recommend purchases of office equipment
- Maintain department rosters of employees and volunteer reserve officers
- Assist in the preparation and submission of evidence for criminal complaints to the city or county attorney or Minnesota Attorney General's office for processing criminal complaints
- Notarize department documents as needed
- Create and maintain squad files and expenses, including reporting squad damage claims to League of MN Cities (LMC), create and maintain claim files until claim is completed and closed
- Answer inquiries and provide records and information in accordance with data privacy laws and departmental policy
- Provide support for police related permits and applications
- Issue burn permits
- Collect and document fees for burn permits, police report copies, administrative citations and fingerprinting of subjects outside of the department's jurisdiction
- Process cash and vehicle forfeiture funds
- Process handgun applications, permits and licenses for the police chief's approval and signature
- Plan and control the filing and maintenance of all departmental records
- Enter incidents, review supplements and enter MOC codes in the records management system for CJRS state reporting
- Maintain departmental historical and media records
- Monitor and purge department files and records in accordance with applicable legal regulations and local retention schedules
- Maintain squad video recording records; exports required squad and body camera videos for case files and data retention
- Maintain all training records
- Support community programs and volunteer reserve program
- Maintain records and order necessary materials for Citizens Police Academy

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- Maintain department roster for employees, including volunteer reserve officers
- Attend and record meeting minutes of the police commission and department meetings
- eFile search warrants for department cases and the department's officer assigned to the West Metro Drug Task Force (WMDTF)
- Maintain and utilize Criminal Justice Terminal Operator certification to data enter stolen/recovered property, missing persons, etc., into the MINCIS/NCIC system.

- Provides human services support;
  - Perform all payroll and payment services, including completion of and filing quarterly federal, state, and unemployment payroll tax reports
  - Submit employee benefit withholdings to the appropriate benefit company
  - Track and update employee step increases and salary adjustments
  - Create and ensure the accuracy of and submit annual employee W-2's to appropriate state and federal organizations and distribute W-2's to employees
  - Handle all employees' health benefits, HSA and 457 contributions, and short and long-term disability contracts and ensure employee withholdings are correctly invoiced and categorized as pre- and post-tax
  - Perform new employee orientation, explain benefits and assist in completing enrollment forms
  - Complete and submit online the annual Creditable Coverage Disclosure form
  - Prepare all employee insurance benefits enrollments, changes and terminations and work directly with the insurance broker throughout the year and during open enrollment, ensuring all forms are completed correctly
  - Create and maintain annual employee timesheets
  - Create, distribute, collect and review annual employee benefit forms during open enrollment before forwarding change forms to the insurance benefits broker
  - Create and submit an annual Employee Salary Census to the insurance benefits broker
  - Report and maintain Worker's Comp claims for reports of injuries on duty and maintain files
  - Complete all OSHA forms related to Worker's Comp claims and maintain post OSHA Form 300A in a public place as required by U.S. Department of Labor
  - Provide the department's W-9 and ST3 tax exempt certificate to vendors as requested
  - Maintain all aspects of the Federal Forfeiture Program (FFP) Program
  - Complete and submit bi-annual healthcare savings plan contract renewal with Minnesota State Retirement System
  - Attend training and refresher trainings as needed

- Responsible for finance administration;

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- Handle all accounts payable and receivable and monthly financial reports
- Prepare and records monthly deposits for multiple bank accounts
- Reconcile multiple bank checking accounts and office petty cash
- Prepare requested documents and assist the accountants with the department's annual financial audit
- Prepare and submit required financial documents for the annual workers compensation audit
- Assist the police chief with the preparation of the department's annual budget
- Computes the annual fringe benefits rate for the Safe and Sober Program

- Prepare and submit the following reports and forms annually;
  - POST Board Training Reimbursement application
  - PERA Exclusion Report
  - PERA Annual Leave Report
  - PERA Police and Fire Certification Report
  - Minnesota Department of Revenue's Certification of Peace Officers PA-1 form for police state aid reimbursement
  - Minnesota Department of Public Safety Disability Insurance Benefit Claim form for reimbursement
  - grant application for the Federal Bulletproof Vest Partnership (BVP) program, and submit a request for reimbursement from the BVP and State of Minnesota when officers receive a new vest
  - Equitable Sharing Agreement & Certification (ESAC) form
  - Minnesota Department of Employee Relations (DOER)'s Pay Equity Implementation Report
  - Non-Discrimination Assessment
  - LMC's annual property/casualty insurance renewal for the department
  - LMC's annual property/casualty insurance renewal for and the Lakes Area ERU Team
  - LMC's annual Worker's Compensation insurance renewal for the department
  - Law Enforcement Labor Services Insurance Benefit Report
  - System Award Management (SAM) Renewal, an official website of the U.S. federal government, to be eligible for federal awards
  - Bureau of Criminal Apprehension's Law Enforcement Employee Count
  - Equitable Sharing Agreement and Certification (ESAC) report for the U.S. Department of Justice's Federal Forfeiture Program

- Performs additional duties and activities as assigned.

Minimum Qualifications:

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- Candidates for this position must a have high school diploma or GED
- Associate degree in business, accounting, public administration or related field,
- Three years of relevant experience in an office support role similar to a public safety department
- Equal or equivalent combined education and experience
- Must possess a valid driver's license

Desired Qualifications:

- Experience in a public safety office setting
- Be highly motivated in police services and customer service skills
- Finance skills that include accounts payable/receivable and payroll experiences for over three years
- Skills in radio communications and dispatching
- BCA training in criminal history and hot files
- Police records management system provider experience of data entry and activity reports
- Customer service skills in person and phone

Knowledge, Skills and Abilities Required for Successful Job Performance:

- Knowledge of data privacy laws and ability to maintain highest confidentiality when dealing with sensitive or private information
- Knowledge of the functions and responsibilities of West Hennepin Public Safety, staff, and key community members
- Knowledge of computer systems, police record management system and quick books or other financial systems
- Knowledge of financial and human resource matters as it applies to governmental operations
- Knowledge of and ability to operate standard office software sufficient to manipulate data, draft reports and maintain records
- Customer service skills including demonstrated ability to build positive relationships with employees and managers
- Ability to analyze and resolve problems
- Possess strong organizational and time management skills, with the ability to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency with a high level of attention to detail combined with the ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice law
- Ability to maintain CJIS certification

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- The ability to work independently and to prioritize work requests
- Verbal and high-level written communication skills sufficient to effectively present information and respond to questions from a wide variety of audiences, and reading comprehension skills sufficient to read, understand and interpret complex and varied work-related materials
- Ability to work with neighboring public safety agencies and outside professional organizations to continue to learn and bring efficiencies within our organization
- Ability to communicate effectively, both orally and in writing, and to deal courteously and tactfully with the public, co-workers and external agencies and departments and has considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic

Physical and Mental Requirements:

Physical effort is light, with lifting or carrying up to 25 pounds intermittently in an office setting. Report preparation and word processing will at times require extended use of a keyboard. Work interruptions are frequent. May be the first person to whom a complaint is delivered by a citizen and may involve dealing with and calming individuals who are emotionally charged over an issue.Hearing and vocal communication is required for expressing or exchanging ideas and conveying detailed or important instructions to others accurately, loudly or quickly.

Working Conditions:
Work is performed in a normal office environment. May be the first person to whom a complaint is delivered by a citizen and may involve dealing with and calming individuals who are emotionally charged over an issue.

Some requirements in this job description may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees. All requirements are subject to modification to reasonably accommodate individuals with disabilities.

Requirements are representative of minimum levels of knowledge, skills, and experience required. To perform this job successfully, the worker must possess the abilities and aptitudes to perform each duty proficiently.

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1034.13 COMMUNITY SERVICE OFFICER

To provide a variety of public safety and other municipal services, including, but not limited to, crime prevention, animal control, packet deliveries, equipment maintenance, property control, limited code enforcement, investigation, and follow up on nuisance complaints, and other duties not requiring a sworn police officer.

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1034.14 ESSENTIAL DUTIES AND RESPONSIBILITIES

- Patrols City streets and responds to non-emergency calls assigned.
- Works with the City Planning Department to observe, report, and enforce the City's nuisance ordinance.
- Impounds at-large dogs and found dogs.
- Assists the public with questions involving community service related topics.
- Investigates and writes reports on animal bites, medical emergencies, found property, and other miscellaneous complaints.
- Assists the public in the recovery of lost or stolen animals.
- Assists in identifying found animals, notifying owners when necessary.
- Provides emergency medical assistance and life support as a first responder.
- Transports police evidence to appropriate agency for examination.
- Assists in squads upkeep; takes the squads in for scheduled maintenance.
- Performs housekeeping duties, (ie. garage, booking room, evidence room.)
- Performs house checks.
- Assists officers with traffic control.
- Delivers necessary paperwork to the City attorney's office, Ridgedale Court, and City officials.
- Observes and reports violations of the nuisance ordinance.
- Performs other duties as assigned.

1034.15 OTHER DUTIES AND RESPONSIBILITIES

- Assists with general office duties, typing and filing reports, entering data, and answering phones.
- Works with the CJIS and NCIC systems.
- Assists the administration as directed.
- Assists public at the front window with report request, burn permits, and hunting permits.
- Assists with inventory of recovered property.
- Maintains the inventory of need forms and equipment.
- Maintains business directories for CAD.
- Coordinates Crime Prevention programs.
- Assists with evidence preparation for court.
- Provides good working habits and a willingness to cooperate with others and contribute in a positive way to a pleasant working climate.

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1034.16 HIRING AND PERFORMANCE ASSESSMENTS WILL INCLUDE THE FOLLOWING KNOWLEDGE, SKILLS, AND ABILITIES

- Assists with general office duties, typing and filing reports, entering data, and answering phones.
- Works with the CJIS and NCIC systems.
- Assists the administration as directed.
- Assists public at the front window with report request, burn permits, and hunting permits.
- Assists with inventory of recovered property.
- Maintains the inventory of need forms and equipment.
- Maintains business directories for CAD.
- Coordinates Crime Prevention programs.
- Assists with evidence preparation for court.
- Provides good working habits and a willingness to cooperate with others and contribute in a positive way to a pleasant working climate.

1034.17 AUTHORITY

This position is specifically limited to aiding and assisting regular police officers and the administrative staff in the performance of their duties or acting upon the rights as a citizen of the State of Minnesota. By ordinance this position has limited authority to issue citation for certain misdemeanor violations. Conduct and actions are controlled by department policy.

1034.18 FIREARMS

The use of a firearm will be limited to the use of a rifle for the dispatching of injured or sick animals. Each Community Service Officer will be trained in the use of the rifle. They will have to qualify and show proficiency annually.

1034.19 MINIMUM JOB REQUIREMENTS

- A minimum of 18 years of age.
- Enrolled in a post-secondary two or four year criminal justice or law enforcement degree program.
- Possess a valid Minnesota Driver's License.
- Possess good judgment and common sense.
- Must be able to tolerate stress in a multitude of forms, such as taking enforcement action, dealing with anxious and emotional persons.
- Work rotating shifts.

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- First responder training.

1034.20 DESIRABLE QUALIFICATIONS

Experience with community service, computer maintenance, working with animals, public relations and public presentations.

1034.21 WORKING CONDITIONS

Combination of outside environment and office environment. Outside environment, exposure to inclement weather conditions. Office environment exposure to computers and working closely with others.

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Attachments

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CHIEF

PH-Gold-Medal.png

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WEST HENDERSON PSD

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NAVY

MN Public Assembly-First Amendment Rights Model Policy .pdf

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Public Assembly and First Amendment Activity

References:
Minn. Rules 6700.1615
First Amendment US Constitution
Minnesota Constitution
609.705. Unlawful Assembly
609.71 Riot
609. 066 Authorized Use of Force by Peace Officers
609.06 Authorized Use of Force

1) PURPOSE

The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The Bill of Rights in Article 1 of the Minnesota Constitution addresses the rights of free speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

The (law enforcement agency) supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the (law enforcement agency) personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

2) POLICY

The (law enforcement agency) will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

The policy of the (law enforcement agency) ("department") regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Department personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights.

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstration or crowd events regardless of the permit status of

the event.

This policy is to be reviewed annually.

3) DEFINITIONS

A. Chemical Agent Munitions: Munitions designed to deliver chemical agents from a launcher or hand thrown.
B. Control Holds: Control holds are soft empty hand control techniques as they do not involve striking.
C. Crowd Management: Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.
D. Crowd Control: Techniques used to address unlawful public assemblies.
E. Deadly Force: Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes **609.06 and 609. 066)**
F. Direct Fired Munitions: Less-lethal impact munitions that are designed to be direct fired at a specific target.

G. First Amendment Activities**:** First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the Minnesota State Constitution.

   The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

H. Great Bodily Harm*:* Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. (Reference: (law enforcement agency's) Use of Force Policy, MN Statutes **609.06 and 609. 066)**

I. Legal Observers – Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.
J. Less-lethal Impact Munitions. Impact munitions which can be fired, launched, or

otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.

K. Media: Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution. For purposes of this policy, the following are indicia of being a member of the media: visual identification as a member of the press, such as by displaying a professional or authorized press pass or wearing a professional or authorized press badge or some distinctive clothing that identifies the wearer as a member of the press.

4) Law Enforcement Procedures

A. Uniform: All officers responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.

B. Officer conduct:

1. Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
2. Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
3. Officers must not take action or fail to take action based on the opinions being expressed.
4. Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other methods unless doing so interferes with on-going police activity.
5. Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.
6. This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

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5. Responses to Crowd Situations

A. Lawful assembly. Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and

loitering.

B. Unlawful assembly

1. The definition of an unlawful assembly has been set forth in Minnesota Statute §609.705.
2. The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
3. The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
4. Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.
5. Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

C. Declaration of Unlawful Assembly

1. If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be announced to the assembly. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.
2. The dispersal order must include:
   a) Name, rank of person, and agency giving the order
   b) Declaration of Unlawful Assembly and reason(s) for declaration
   c) Egress or escape routes that may be used
   d) Specific consequences of failure to comply with dispersal order
   e) How long the group has to comply
3. Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.
4. Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.

D. Crowd Dispersal

1. Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements

have been made, asking members of the crowd to voluntarily disperse, and informing them that, if they do not disperse, they will be subject to arrest.
2. Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with officer commands before action is taken.
3. If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the on-scene supervisor/incident commander. The use of these crowd dispersal tactics shall be consistent with the department policy of using the minimal officer intervention needed to address a crowd management or control issue.
4. If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has been determined that it is an unlawful assembly,and a new declaration of unlawful assembly has been made.

6. Tactics and Weapons to Disperse or Control a Non-Compliant Crowd

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the (law enforcement agency's) Use of Force policy.

A. Use of Batons

1. Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.
2. Batons may be visibly displayed and held in a ready position during squad or platoon formations.
3. When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
4. Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.
5. Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

B. Restrictions on Crowd Control and Crowd Dispersal

1. Canines. Canines must not be used for crowd control, crowd containment, or crowd dispersal.
2. Fire Hoses. Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.
3. Electronic Control Weapons (ECWs) must not be used for crowd control, crowd

containment, or crowd dispersal.

4. Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.

~~5.~~ Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.

6. Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.
   a) Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
   b) Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
   c) When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.

7. Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without the approval of the on-scene supervisor/incident commander.

   a) Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events. Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.

   b) Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.

   c) When possible, persons should be removed quickly from any area where hand held chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.

   d) A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.

9. Chemical munitions use in a crowd situation is subject to the following:
   a) Chemical munitions must be used only when:
      1) a threat of imminent harm or serious property damage is present, or

other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander,

2) sufficient egress to safely allow the crowd to disperse exists, and
3) The use of chemical munitions is approved by the on-scene supervisor/incident commander, and

b) When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.

c) Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.

d) CN chemical munitions are prohibited.

e) The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department on request :

1) the name of each chemical munition used in an incident,
2) the location and time of use for each munition deployment,
3) access to the safety data sheet (SDS) for chemical munition

f) Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.

g) When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.

h) Chemical munitions are subject to the same procedural requirements as outlined in the (law enforcement department)'s UOF policy.

C. Arrests

1. If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.
2. Persons who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.
3. Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
4. Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
5. Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
6. Officers arresting a person with a disability affecting mobility or communication must follow the department policy on arrest, transportation, and detention of persons with disabilities.

6. Handcuffs

A. All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.
B. Officers should be cognizant that flex-cuffs may tighten when arrestees hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, officers must examine the cuffs and ensure proper fit.
C. Arrestees in flex-cuffs must be monitored to prevent injury.
D. Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

7. Media.

A. The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.
B. The media must not be restricted to an identified area, and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
C. Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
D. The media must not be targeted for dispersal or enforcement action because of their media status.
E. Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

8. Legal Observers

A. Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.
B. Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observers and monitors to remain in an area after a dispersal order.
C. Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

9. Documentation of Public Assembly and First Amendment Activity

A. The purpose of any visual documentation by (law enforcement agency) of a public assembly or first amendment activity must be related only to:
    1) Documentation of the event for the purposes of debriefing,
    2) Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or
    3) Creating visual records for training purposes.

B. If it is the policy of (law enforcement agency) to videotape and photograph, it must be done in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.
C. Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers,or speakers.
D. Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies. If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.
E. If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department policies.
F. This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.

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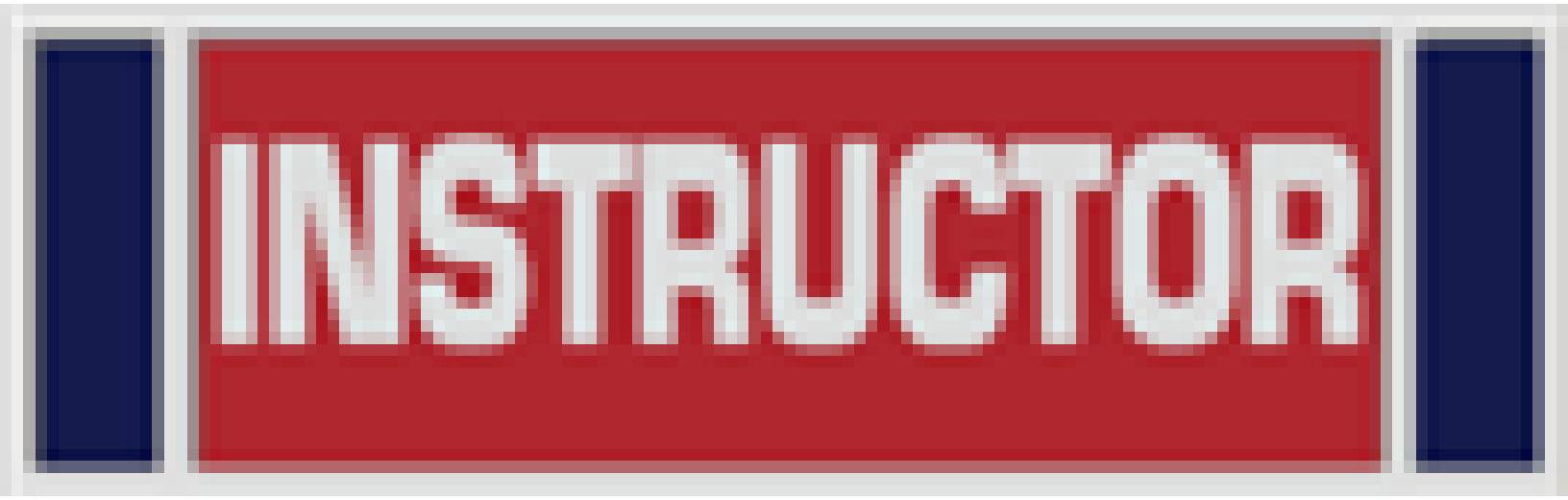
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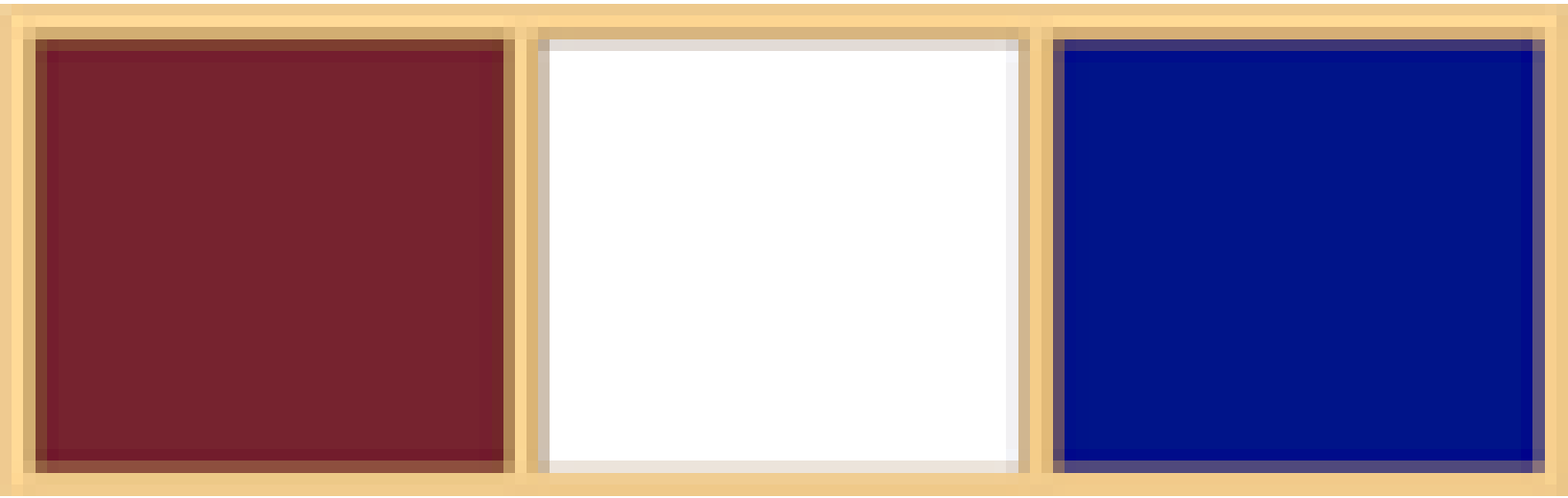

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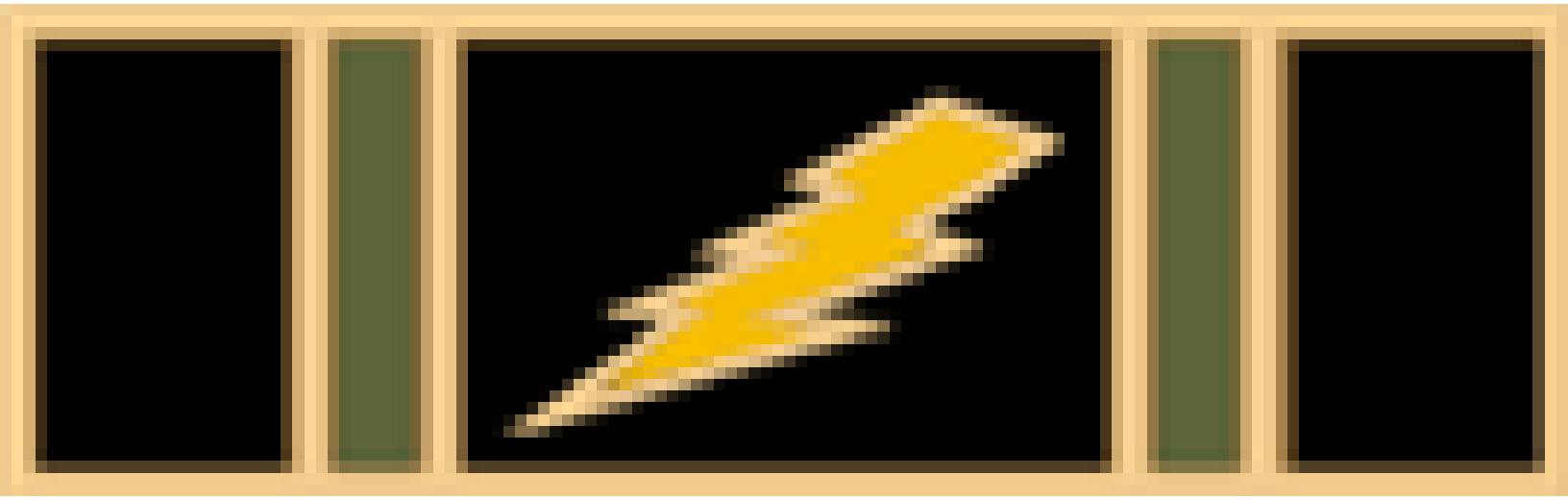

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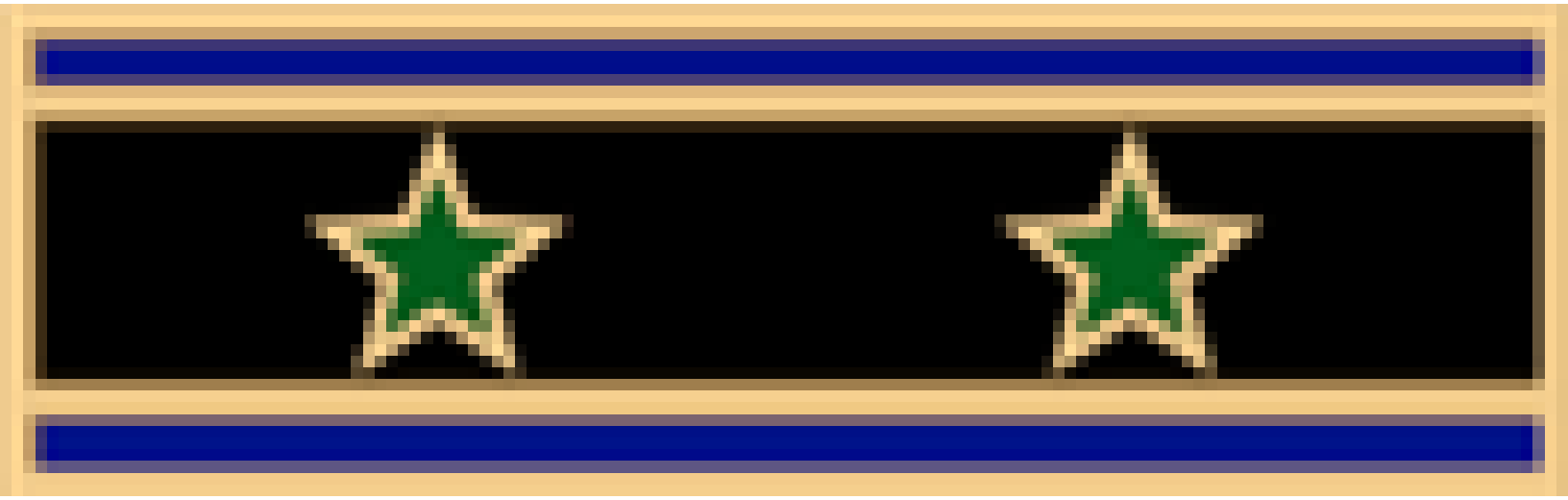

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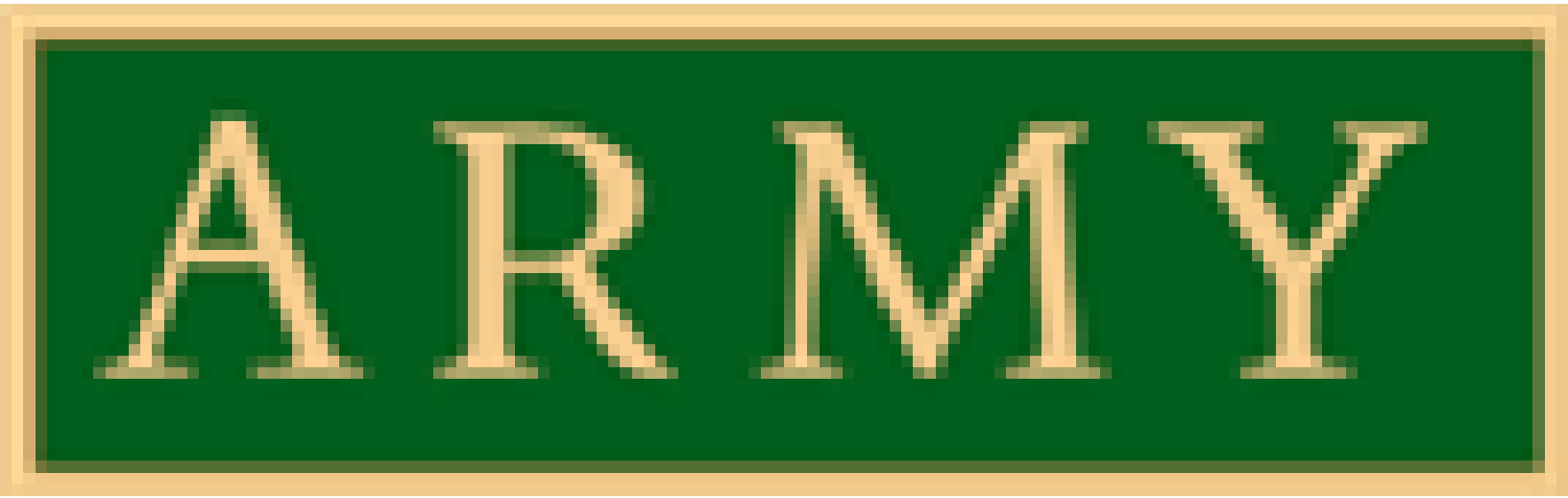
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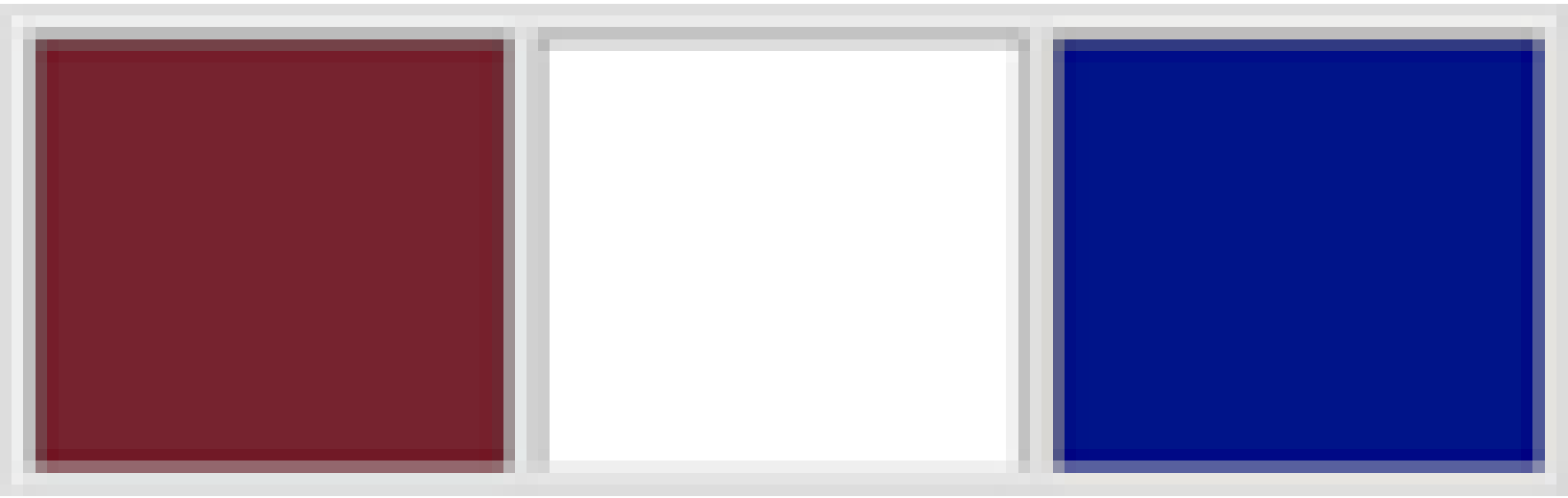

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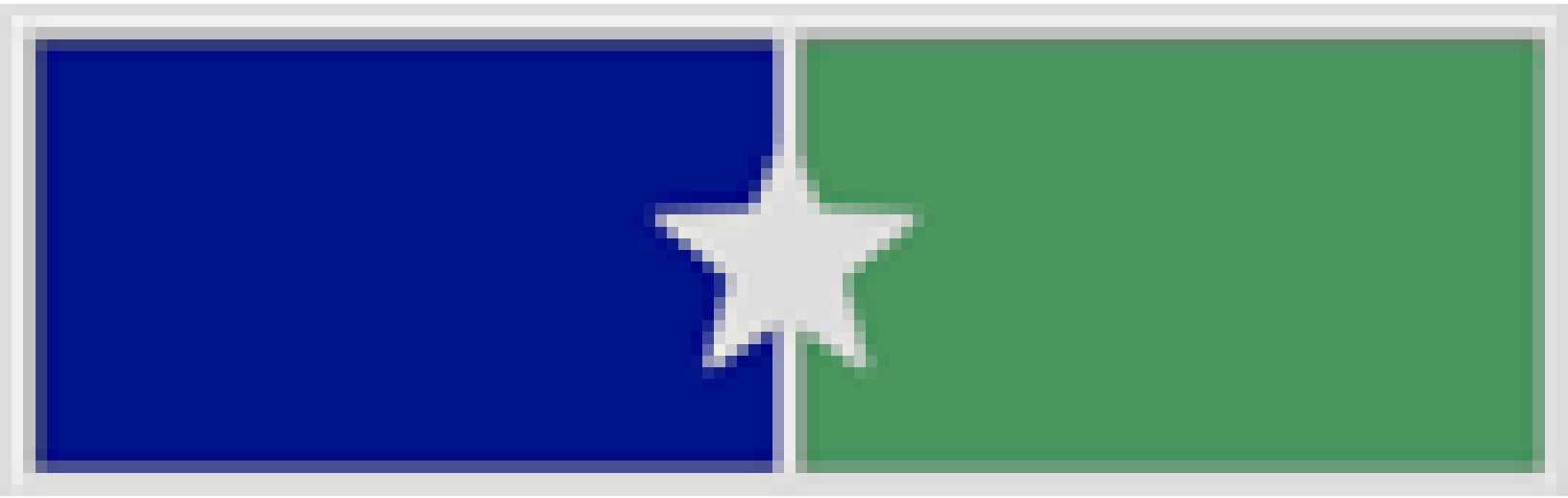

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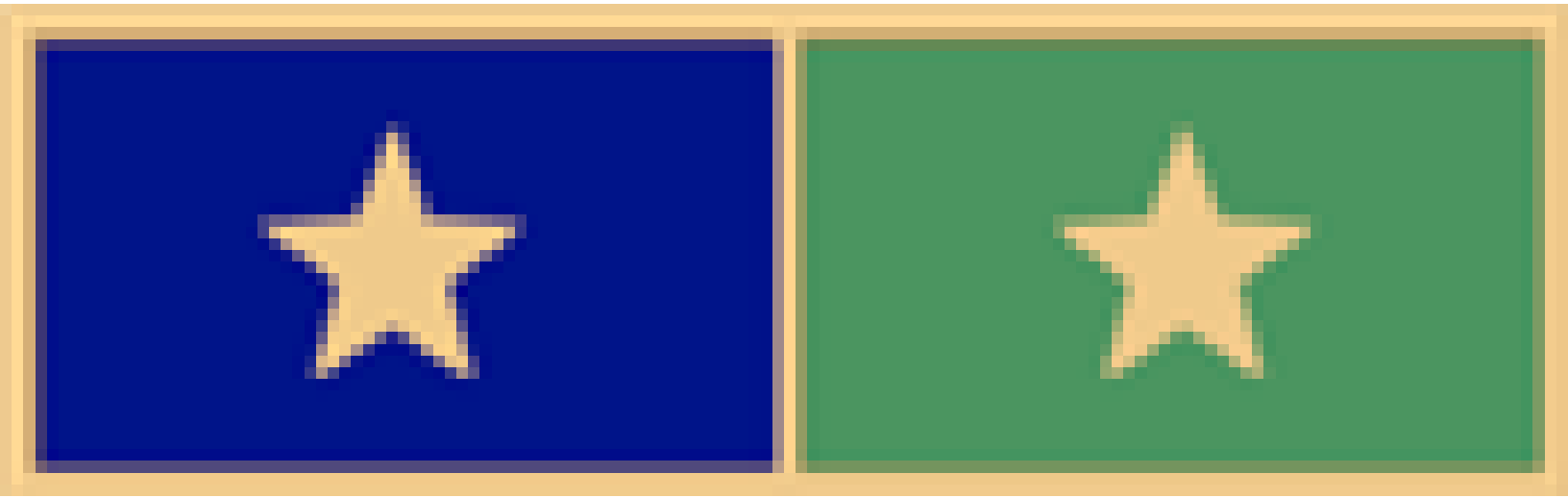

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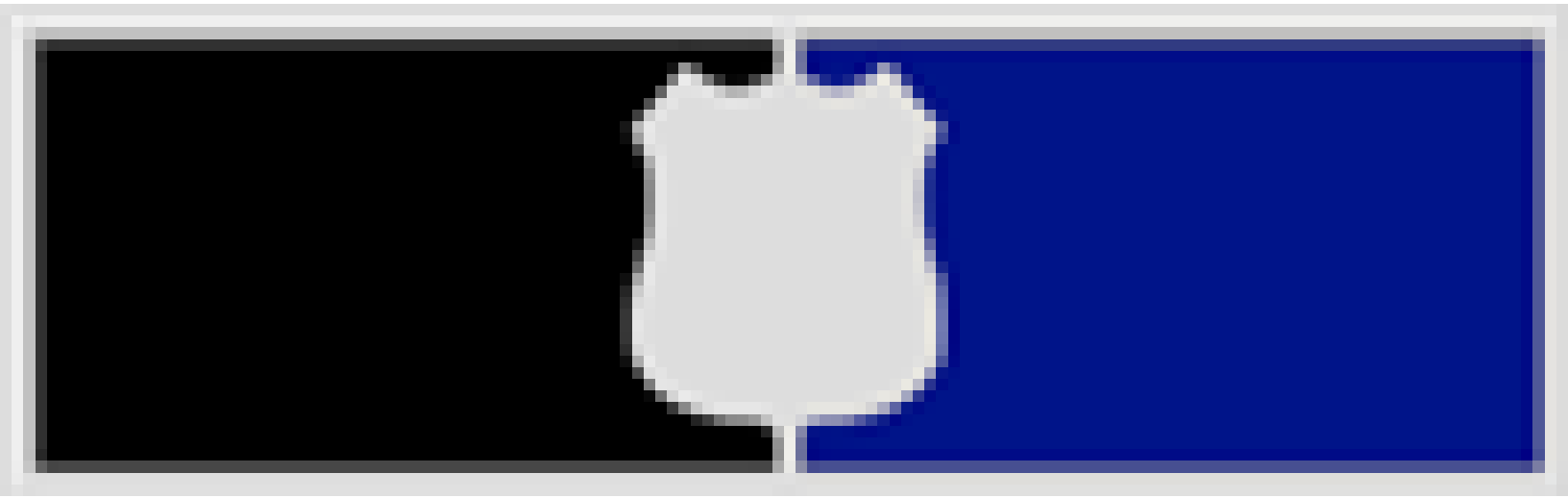

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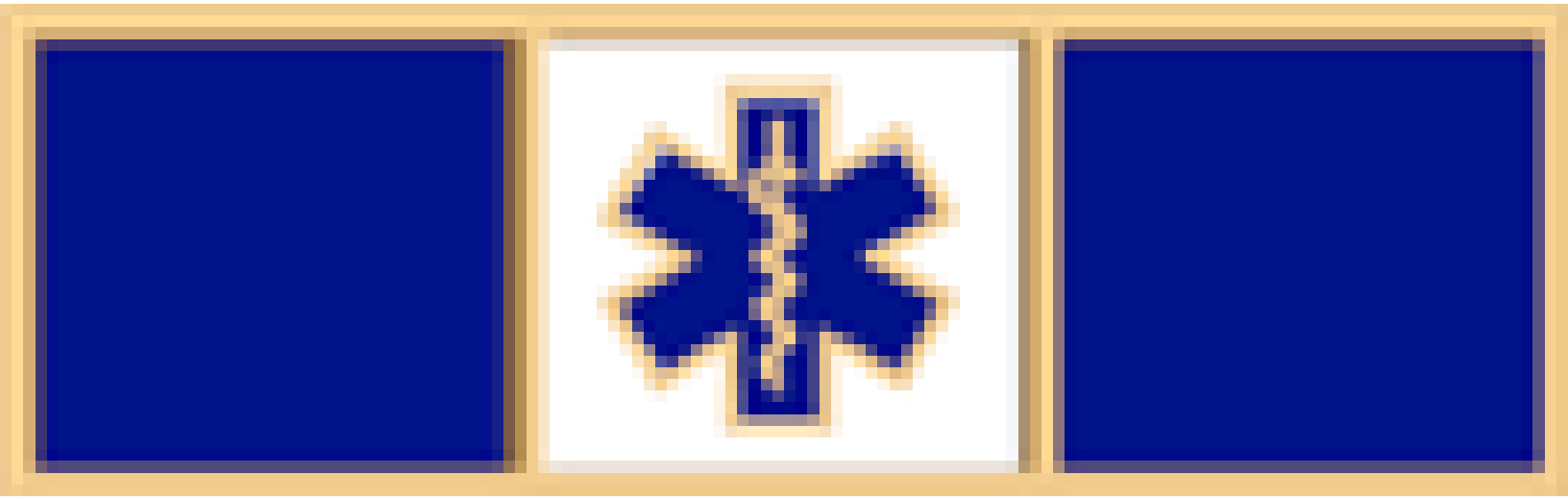

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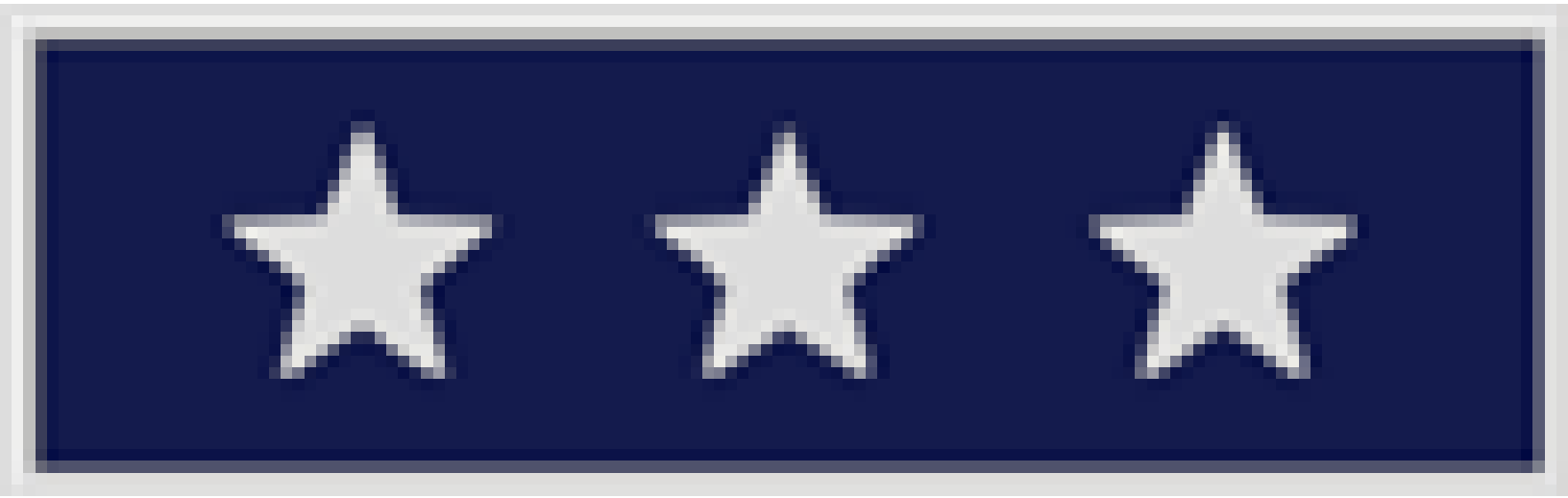

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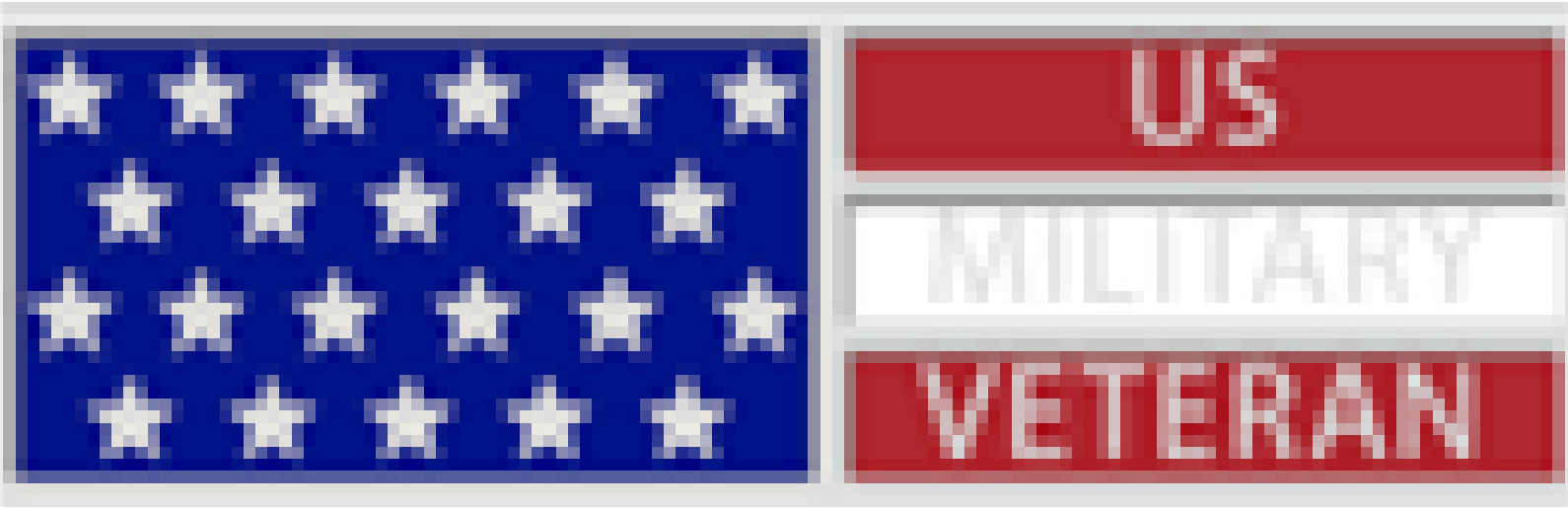
US
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DRONE
PILOT

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FTO

Model Sexual Assault Investigation Policy 03-03-21.pdf

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I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;

b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

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

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

(1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

(3) Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

(1) spouses or former spouses;
(2) parents and children;
(3) persons related by blood;
(4) persons who are presently residing together or who have resided together in the past;
(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
(7) persons involved in a significant romantic or sexual relationship

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult***:* any person 18 years of age or older who:
(1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

2) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

(1) Ensuring the safety of the victim;
(2) Ensuring the scene is safe;
(3) Safeguarding evidence where appropriate;
(4) Collecting any information necessary to identify the suspect; and
(5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.06 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

2) Crime Victim Rights: Officers must provide the following information to the victim:
    a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
    b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
    c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
    d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F.Evidence Collection

1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

    a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.

    b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
    a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
    b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
    c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
    d. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present during any part of the exam, including during the medical history.
3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

3) When possible, an attempt would be made to interview the suspect in person.
4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
    a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
    b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect
Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
2) Determine whether a sexual assault medical forensic examination should be conducted.
3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
    a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
    b. Collect biological and trace evidence from the suspect's body;
    c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
    d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
    e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1) Case dispositions
2) Decisions to collect evidence
3) Submissions of evidence for lab testing
4) Interviewing decisions

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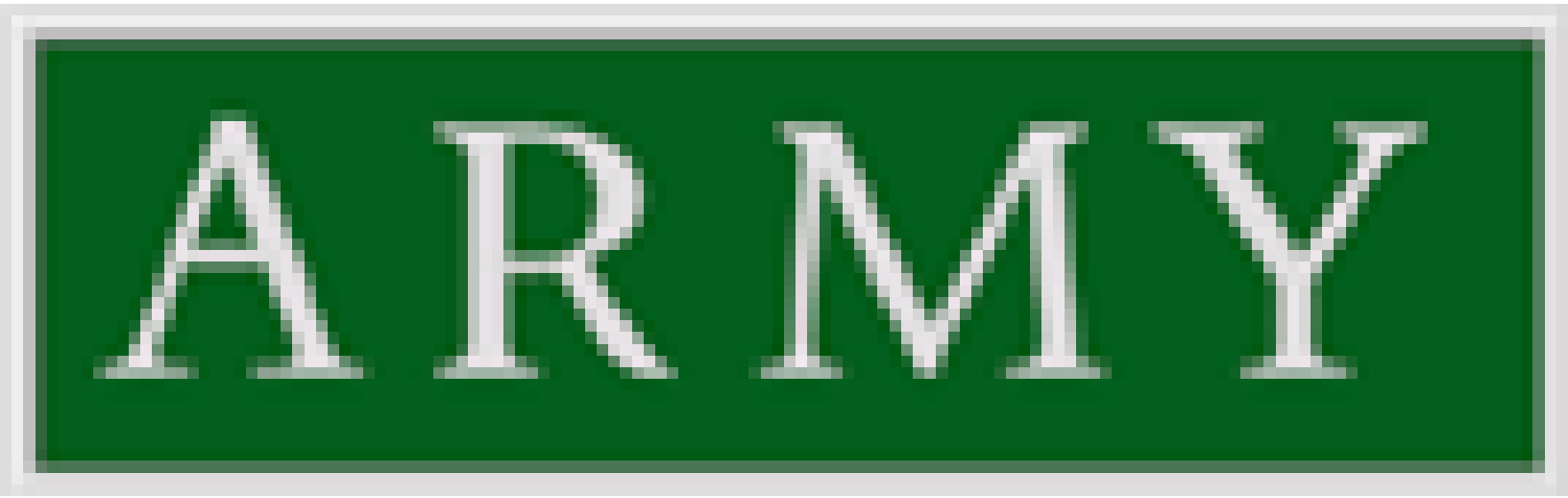
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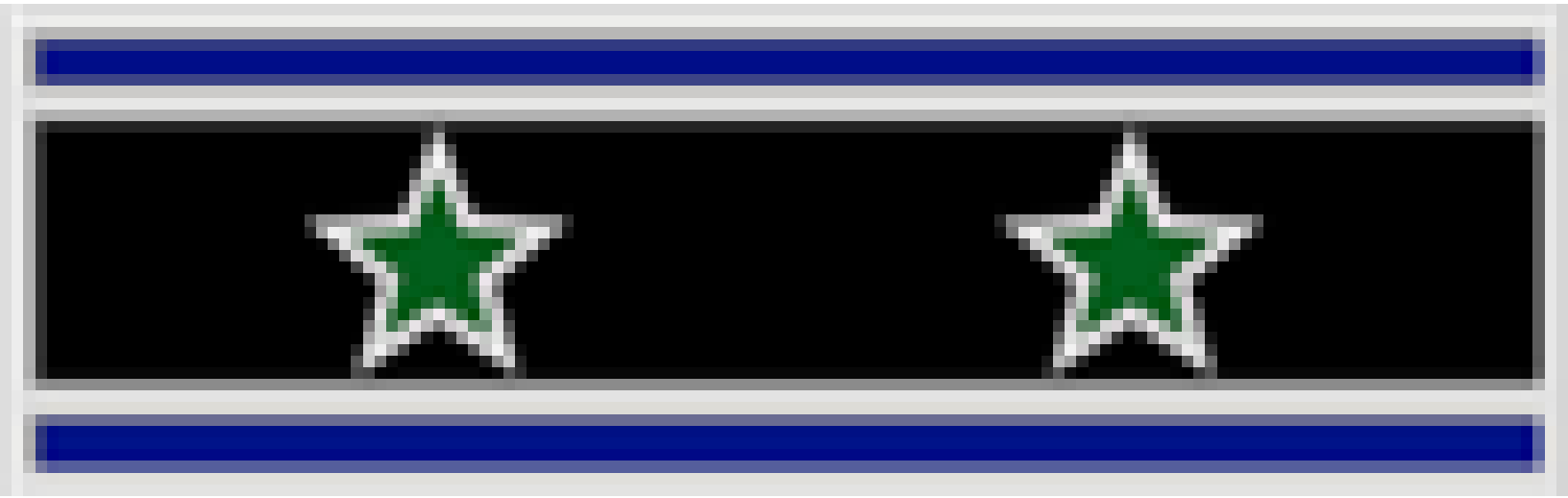

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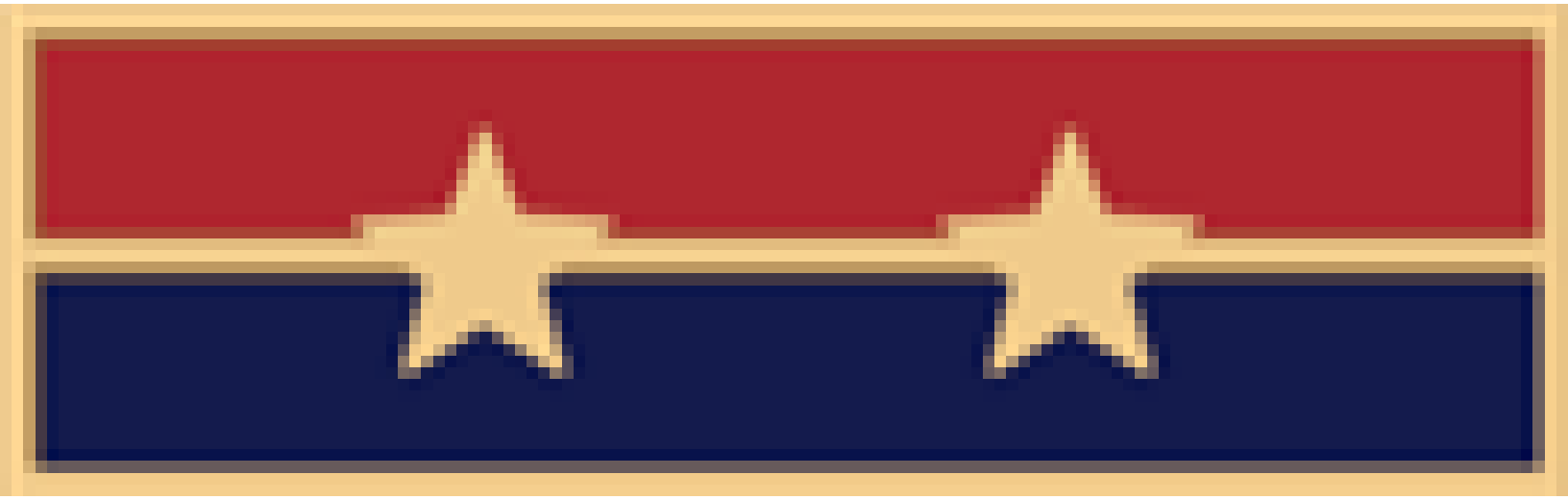

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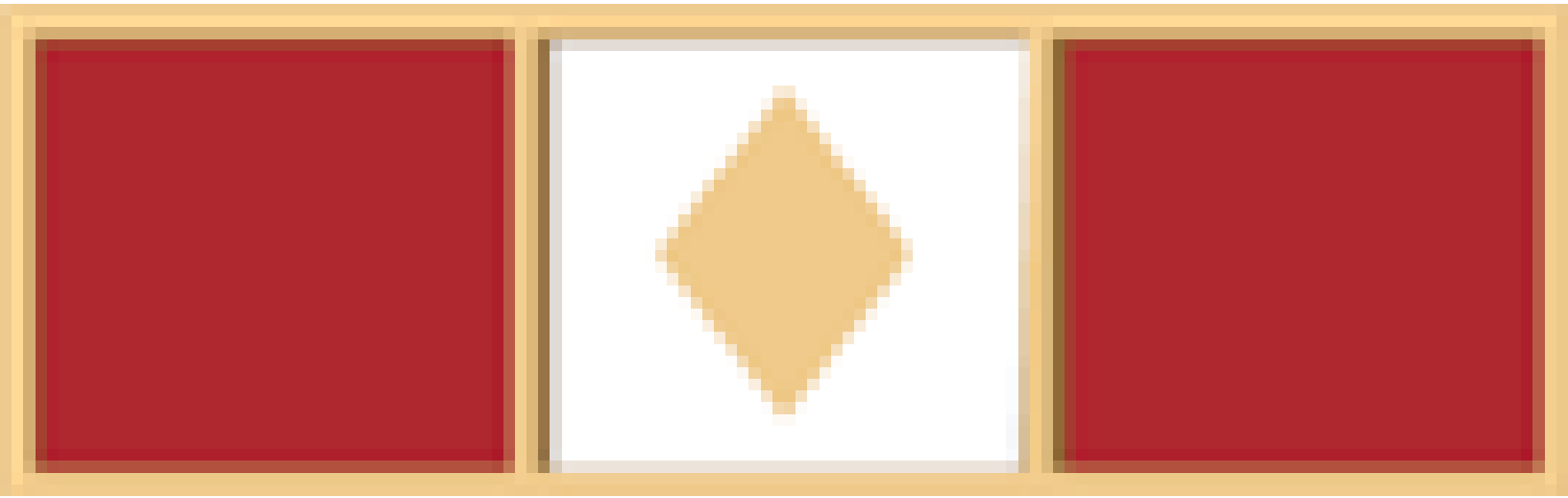

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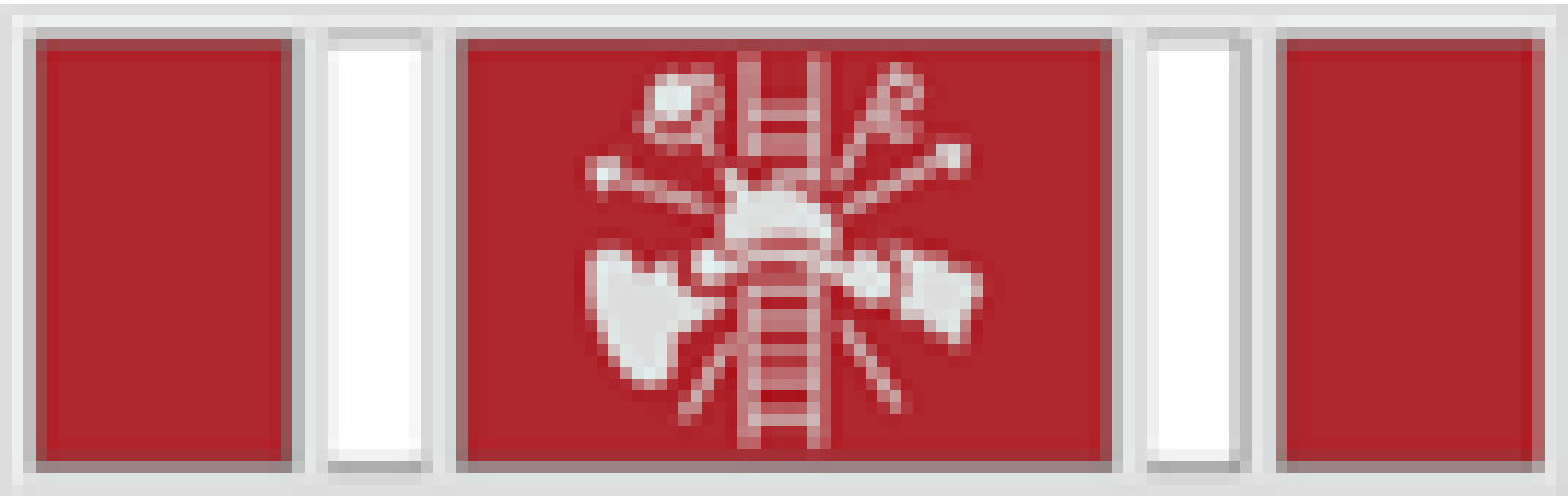

State Evidence Retention Guide 2025.pdf

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Minnesota State Evidence Retention Guide 2025

Endorsed by:
Minnesota Chiefs of Police Association
Minnesota Sheriff's Association
Minnesota County Attorneys Association
League of MN Cities

The Minnesota State Evidence Retention Guidelines were developed through the collaborative efforts of the Minnesota Association of Property and Evidence Technicians (MAPET), in partnership with representatives from law enforcement agencies, city attorneys, and county attorney offices across the state.

Their collective expertise, thoughtful input, and commitment to consistent evidence management practices were instrumental in shaping these guidelines.

MN State Evidence Retention Guidelines

Definitions

Adjudicated - when a court or other authority has issued a final ruling or judgment that resolves the matter. This includes findings of guilty, not guilty, delinquent, dismissed, or any other final disposition.

Acquittal – A judgment that a person is not guilty of the crime in which the person has been charged.

Appeal - unless a different time is provided by Statute, or the court has issued an extension.

Civil Appeal - may be taken from a judgment within 60 days after its entry. The Court, by law, must issue a decision within 90 days of oral arguments. If no oral argument is held, a decision is due within 90 days of the case's scheduled conference date.

Criminal Appeal - a criminal defendant has:

- 90 days after sentencing to appeal a felony or gross misdemeanor conviction
- 30 days to appeal a misdemeanor or petty misdemeanor conviction
- 90 days to appeal a felony sentence
- 60 days to appeal an order denying a post-conviction petition

Biological or DNA Evidence -evidence commonly recovered during a criminal investigation in the form of skin, tissue, bones, teeth, blood, semen, or other bodily fluids, which may include samples of biological materials, evidence items containing biological material, or preserved on a slide or swab if such evidence relates to the identification of the defendant or the victim.

Refer to Minn. Stat. §299C.106, subd. 3, §299C.155, and §590.10

Charged – a formal accusation of criminal activity accepted by the court.

Civil Case - a dispute between parties typically involving monetary damages.

Criminal Case - when a crime is committed against the State (including harm done to another) and charges are filed in a court of law to punish someone (the defendant).

Convicted – a formal declaration that someone is guilty of a criminal offense in a court of law.

Declined – a determination from the prosecuting authority to either refer the case back to law enforcement for further investigation or decision to not file charges.

Dismissal – a court's decision to terminate a court case without imposing liability on a defendant. A dismissal can either be with prejudice (i.e., case cannot be refiled) or without prejudice (i.e., case may be refiled).

Disposal – includes all forms of disposition (release, destroy, transfer, etc.).

Electronic Record – electronic log of all property submitted to the Evidence Room that maintains the chain of custody of all property.

Evidence – includes all items taken or recovered in the course of an investigation that may be used in the prosecution of a case, or as evidence in a civil case.

Evidence Room - includes all rooms designated for secure storage of property and evidence.

Expiration of Sentence – defined as release from prison and completion of the entire period of supervised conditional release and final discharge.

Found Property – property found that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Perishables - things likely to decay (like food), or go bad quickly.

Post-Conviction Relief - the deadline for filing Post-Conviction Relief is two years from the final recorded judgment or appeal decision, except in specific circumstances. Refer to Minn. Stat. §590.01, subd 4.

Property – all items taken as evidence, items taken for safekeeping and found property.

Safekeeping – non-evidentiary property that is placed in the custody of a law enforcement agency for temporary protection on behalf of the known owner, or as ordered by the court.

MN State Evidence Retention Guidelines

Definitions

Sentence - the sanction or combination of sanctions imposed by the court on an offender who is convicted of, or pleads guilty to an offense.

Statute of Limitations – the legally defined time in which a criminal or civil action may be initiated.

Civil - Refer to Minn. Stat. §541.05.

Criminal - Refer to Minn. Stat. §628.26.

Stay of Adjudication - entered a guilty plea, but the judge did not accept the guilty plea, nor adjudicate the defendant guilty, and set conditions for a period of time. If conditions are violated, the guilty plea will be accepted.

Definitions were created using the following source materials:

Evidence, Technical Working Group on Biological. *Biological Evidence Preservation: Considerations for Policy Makers* 2015. Document. <http://www.nist.gov/forensics/upload/NIST-IR-7928.pdf>.

IAPE. "Professional Standards." *International Association of Property and Evidence, Inc. Professional Standards (Revised 2024)*. January 2024. Document.

MN State Evidence Retention Guidelines

PART 1 – Evidence and Property in UNCHARGED or UNSOLVED Cases

Retention of evidence and property in cases where no charges have been filed and a court outcome has not been achieved. Reference MN State Statute of Limitations.[1]

Section 1:
Serious person crimes [Crimes resulting in the Death of Another, Kidnapping, Criminal Sexual Conduct (1st - 4th degree), Labor Trafficking (under the age of 18 years old), Sexual Extortion, Solicitation/Promote Prostitution/Sex Trafficking]

General Rule: Retain all evidence indefinitely.

Circumstances to consider:

- One defendant may have been acquitted or dismissed, but another unknown person might be charged
- Suspicious death or death of undetermined manner
- Missing person suspected to be a homicide

Section 2:
Labor trafficking (over the age of 18 years old), Certain bribery offenses, Medical assistance fraud, and Medical care/assistance theft

General Rule: Retain all evidence for six (6) years after the commission of a crime.

Section 3:
Arson, Environmental Crimes, Identity Theft where the offense involves eight or more direct victims, or when the value of property or services stolen is more than $35,000: Check forgery, False representation, Theft by swindle, Corporate theft, Financial exploitation of a vulnerable adult, Identity theft, and Credit card fraud

General Rule: Retain all evidence for five (5) years after the commission of a crime.

Exception: Arson in the First Degree - retain all evidence for ten (10) years after the commission of a crime.

Section 4:
All other crimes not specified above (Sections 1-3)

General Rule: Retain evidence at the department's discretion based on the potential to charge the case in the future and the applicable statute of limitations.

- If no specific statute of limitations applies, dispose with written consent from the prosecuting attorney or case investigator.
- Otherwise, the general statute of three (3) years will apply.

Section 5:
Use of Force Incidents

General Rule: Retain all evidence for 7 years after the commission of a crime unless it results in the death of another.

[1] Minn. Stat. §628.26 (Limitations)

Section 6:
Items that may contain Biological or DNA evidence[2]

Crimes when DNA evidence has been collected and other physical evidence exists:

- Possible DNA evidence of a victim, perpetrator or suspect is present
  - Retain until submitted to the lab for analysis, or until Statute of Limitations expires
- Sexual Assault Examination (SAE) Kits submitted labs for analysis and returned to a law enforcement agency
  - Tested kits do not need to be retained after analysis by the lab if there is no evidence remaining in the kit. Verify with the lab that they have retained all evidence.
  - Before disposal of the SAE kit, the label and all writings showing chain of custody must be retained by some form of copy, photocopy, scan or other acceptable method.
  - Request written permission from the prosecuting attorney or case investigator for disposal.
  - All actions must be documented with the case.
- Refer to NIST guidelines for the storage of biological evidence
- Evidence processing should take place before the statute of limitations expire, otherwise defer to the general rules of Sections 1-5.

Section 7:
Bulky or Large Evidence

- Bulky or large evidence, including furniture, doors, mattresses, or other large items may be disposed after:
  - Any specific area or section which may contain evidence will be retained.
  - DNA swabs have been collected on any areas suspected of containing evidence and the lab confirmed that analysis has been completed
  - Photographs have been taken and retained with the case file to document how the portion was removed from the item of physical evidence.
  - All actions must be documented with the case.
- Request written permission from the prosecuting attorney or case investigator for disposal.
- Evidence processing should take place before the statute of limitations expire, otherwise defer to the general rules of Sections 1-5.

Section 8:
Perishables

General Rule: Perishable items will generally not be accepted.

Recommendation:

- Submitting personnel should photograph, document and dispose of perishable items in lieu of submission unless the physical item is needed for testing purposes or another documented reason noted by the officer.
- Evidence processing should take place before the statute of limitations expire, otherwise defer to the general rules of Sections 1-4.

[2] Minn. Stat. §590.10 – regarding biological evidence

Section 9:
Special Disposal Considerations

- If the identity of a perpetrator is known, but deceased, and there is no expectation another person will be charged with the crime.
    - Dispose of evidence with consent of the prosecuting attorney or case investigator.

Follow your Agency's policy on destruction protocols.

MN State Evidence Retention Guidelines

PART 2 – Evidence and Property in CHARGED Cases

Retention of evidence and property in cases where charges have been filed and a court outcome may have been achieved. Reference MN State Statute of Limitations.[3]

Section 1:
Pending Court Cases

General Rule: All evidence will be retained until the conclusion of court proceedings, which includes all appeals.

Active Warrants[4]
If there is an active warrant for any defendant in a charged case, the related evidence must be retained until the case is completed in court.

Early Disposition of evidence:

- With written consent from the prosecuting attorney or case investigator.
- The defense attorney should be notified by the prosecuting attorney or case investigator if biological evidence is being dispositioned.[5]
- If the evidence in question is stolen property, it may be returned to the rightful owner provided proper documentation including photography is obtained prior to release.[6]

Section 2:
Homicide and Death Investigation, Kidnapping, Sex Trafficking, Criminal Sexual Conduct, (murder, manslaughter, criminal vehicular homicide, and other cases resulting in death, kidnapping, and sex trafficking)

The defendant is convicted:

- Retain evidence until the expiration of sentence (which includes probation).
- Until the death of the defendant, if that occurs before the expiration of sentence, and there is no expectation that another person will be charged.
- If the identity of the perpetrator was at issue in the case, early release or destruction of fingerprint or biological evidence related to the identity of the perpetrator requires written approval of the prosecutor. The prosecutor may not give approval without first providing the defendant an opportunity to object.[3]
    - This **applies only to the portion** of such evidence necessary to obtain a biological sample sufficient for DNA analysis.
    - Law enforcement must document when and how the portion was removed from the item of physical evidence.

If the defendant is acquitted and no other suspect or related court action is expected see section 6.

Section 3:
Sexual Assault Examination Kits (SAE Kits)

- Sexual Assault Examination (SAE) Kits submitted to the lab for analysis and returned to a law enforcement agency, may not need to be retained as long as the lab has kept the evidence from the kit.[7]

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[3] Minn. Stat. §628.26 (Limitations)
[4] Minn. Stat. §626.04
[5] Minn. Stat. §590.10 – regarding biological evidence
[6] Minn. Stat. §609.523
[7] Minn. Stat. §299C.106, subd. 3

  - Tested kits do not need to be retained after analysis by the lab if there is no evidence remaining in the kit. Verify with the lab that they have retained all evidence.
  - Before disposal of the SAE kit, the label and all writings showing chain of custody must be retained by some form of copy, photocopy, scan or other acceptable method.
  - Request written permission from the prosecuting attorney or case investigator for disposal.
  - All actions must be documented with the case.
- Any untested specimens must be retained by law enforcement. All specimen kits should be submitted for testing.
  - Victim blood and urine kits that have not been tested and are older than one (1) year may not be tested by the Lab due to degradation. Consult the Lab for guidance.

Section 4:
Convicted Cases

General Rule: Law enforcement agencies may dispose of evidence 90 days after sentencing or 90 days after all appeals have expired:

- If there is no expectation another person will be charged or no other related court action is expected.
- With written consent from the prosecuting attorney or case investigator.

Section 5:
Dismissal or Decline to Charge

If the case against the defendant is dismissed and there is no expectation another person will be charged, or no other related court action is expected:

- All property and evidence may be disposed of after the Statute of Limitations has expired, or earlier with written consent from the prosecuting attorney or case investigator.
- If no specific statute of limitations applies, the general statute of three years will apply.[8]

Section 6:
Acquittal

If the defendant is acquitted and there is no expectation another person will be charged, or no other related court action is expected:

- Evidence may be disposed of after 90 days from the conclusion of the court proceeding with written consent from the prosecuting attorney or case investigator.

Section 7:
Appeals

A defendant has the right to appeal a sentence.[9]

For specific circumstances, consult with the prosecuting attorney.

[8] Minn. Stat.§628.26
[9] Minn. R. App. 104

Appeal After Conviction[10]
Defendant has the right to appeal a felony or gross misdemeanor conviction within 90 days of final judgment. Misdemeanor or petty misdemeanor appeals must be brought within 30 days of final judgment.[11]

Post-Conviction Relief [12]
No petition for Post-Conviction Relief may be made filed more than 2 years after:

- Entry of judgment of conviction/sentence if no direct appeal filed or
- Appellate court's decision of petitioner's direct appeal
- Unless the Petitioner can prove the following, in which case the 2-year clock begins at first claim/assertion:
    - Physical or mental disability kept them from filing a claim in timely fashion
    - Newly discovered evidence was found after the original 2-year deadline
    - New interpretation of federal law
    - The petitioner can satisfactorily convince the court of some other reason that PCR is in the interest of justice

Section 8:
Bulky or Large Evidence

- Bulky or large evidence, including furniture, doors, mattresses, or other large items may be disposed of after:
    - Any specific area or section which may contain evidence has been retained.
    - DNA swabs have been collected on any areas suspected of containing evidence
        - Confirm that analysis has been completed
    - Photographs have been taken to document how the portion was removed from the item of physical evidence.
        - Photos will be retained with the case file.
    - All actions must be documented with the case.
- Request written permission from the prosecuting attorney or case investigator for disposal.

Section 9:
Perishables

General Rule: Perishable items will generally not be accepted.

Recommendation:

- Submitting personnel should photograph, document and dispose of perishable items in lieu of submission unless the physical item is needed for testing purposes or another reason documented by the officer.

Follow your Agency's policy on destruction protocols.

[10] Minn. Stat. §480A.08, subd. 3
[11] Minn. R. Crim. P. 28.01, subd. 1 and 28.02, subd. 4(3)(a)
[12] Minn. Stat. §590.01, subd. 4

MN State Evidence Retention Guidelines

PART 3 – Non-Evidentiary, Found Property, Safekeeping, Perishable Items

All other cases that have items listed as non-evidentiary, found property, safekeeping property or items that will not be used in prosecuting a criminal case. This Part also covers cases where no charges will ever be filed.

Section 1:
Suicide, Accidental Death, or Natural Death

No charges expected to be filed due to the nature of the case.

- For cases ruled "suicide" by the Medical Examiner evidence will be retained for a period up to ten (10) years from the date of death.
- For cases ruled "accidental death" by the Medical Examiner evidence will be retained for a period up to five (5) years from the date of death.
- For cases ruled "natural death" by the Medical Examiner evidence will be retained for a period of up to one (1) year from the date of death.
- Early Disposition of evidence may be allowed with written consent from the prosecuting attorney or case investigator.
    - It is recommended that departments implement general procedures for obtaining written consent from prosecuting attorney or case investigator into their policies to streamline earlier destruction for the above case types.

Section 2:
Non-Evidentiary Items

Any items that are not explicitly listed as EVIDENCE.

- Best efforts should be made after the seizure of abandoned or stolen property to return it to the lawful owner.
- Found or safekeeping items deemed abandoned may be disposed of after 60 or 90 days per Minnesota statute.[13] Dispose of such items per city or county ordinance, or agency policy.

Section 3:
Perishables

General Rule: Perishable items will generally not be accepted.

Recommendation:

- Submitting personnel should photograph, document and dispose of perishable items in lieu of submission unless the physical item is needed for testing purposes or another reason documented by the officer.

Section 4:
No Charges Expected

No charges expected to be filed due to the nature of the case.

- If there is no expectation a person will be charged or no other related court action is expected, disposition with written consent from the case investigator.

Follow your Agency's policy on destruction protocols.

[13] Minn. Stat. §471.195 (City) or Minn. Stat. §345.15 (County)

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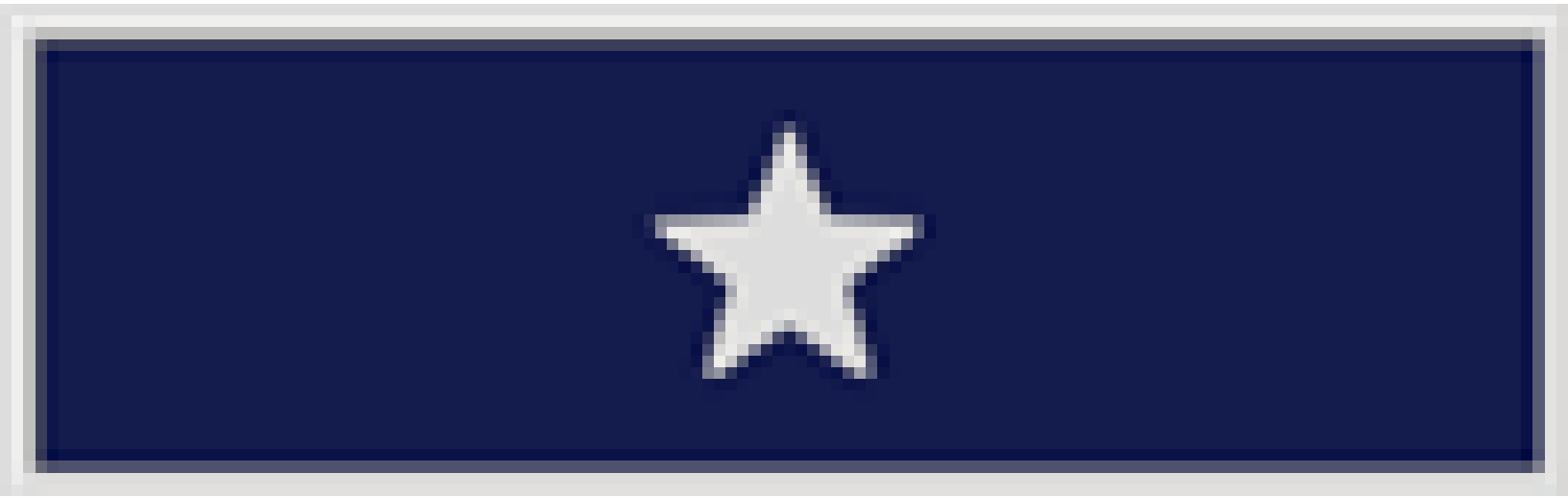

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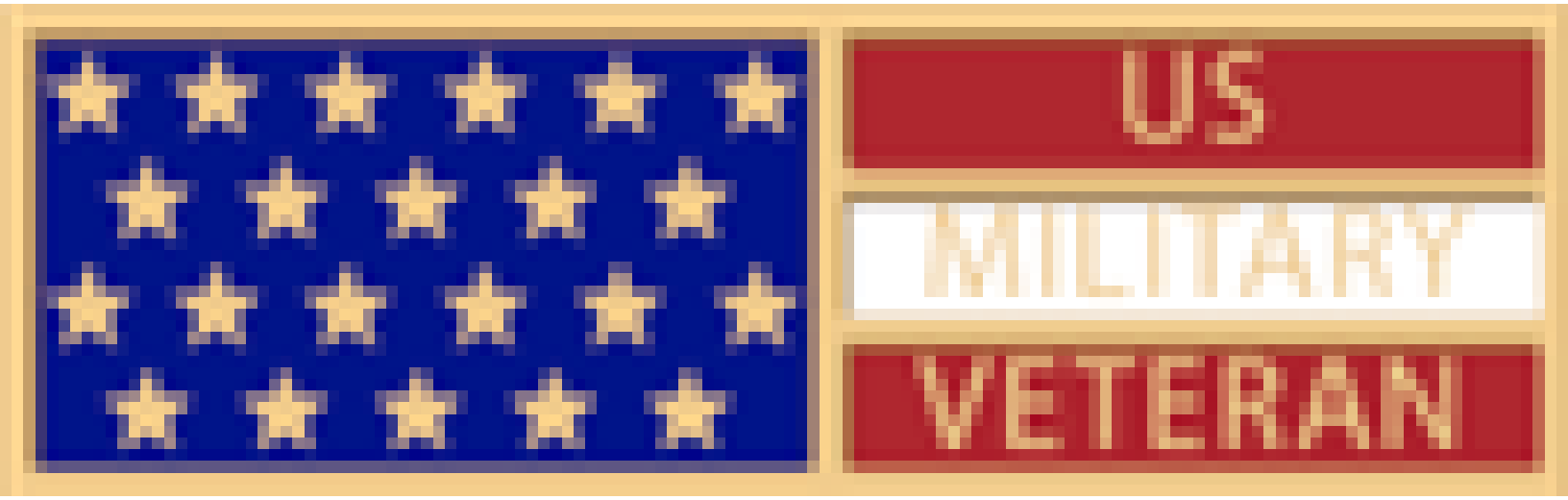
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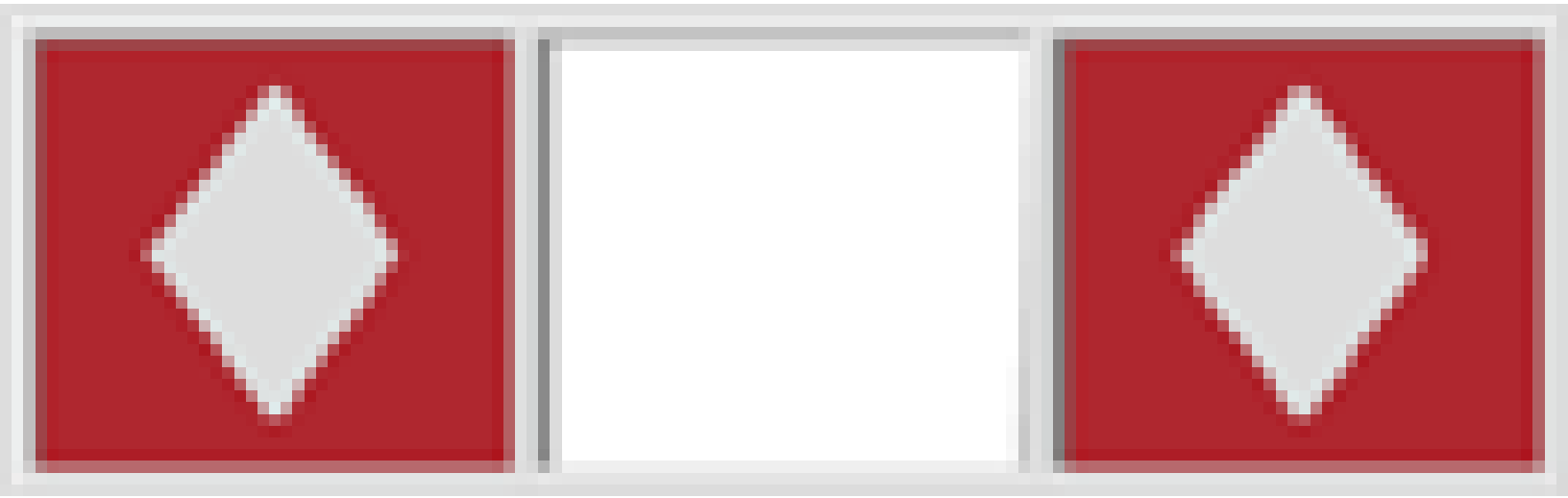

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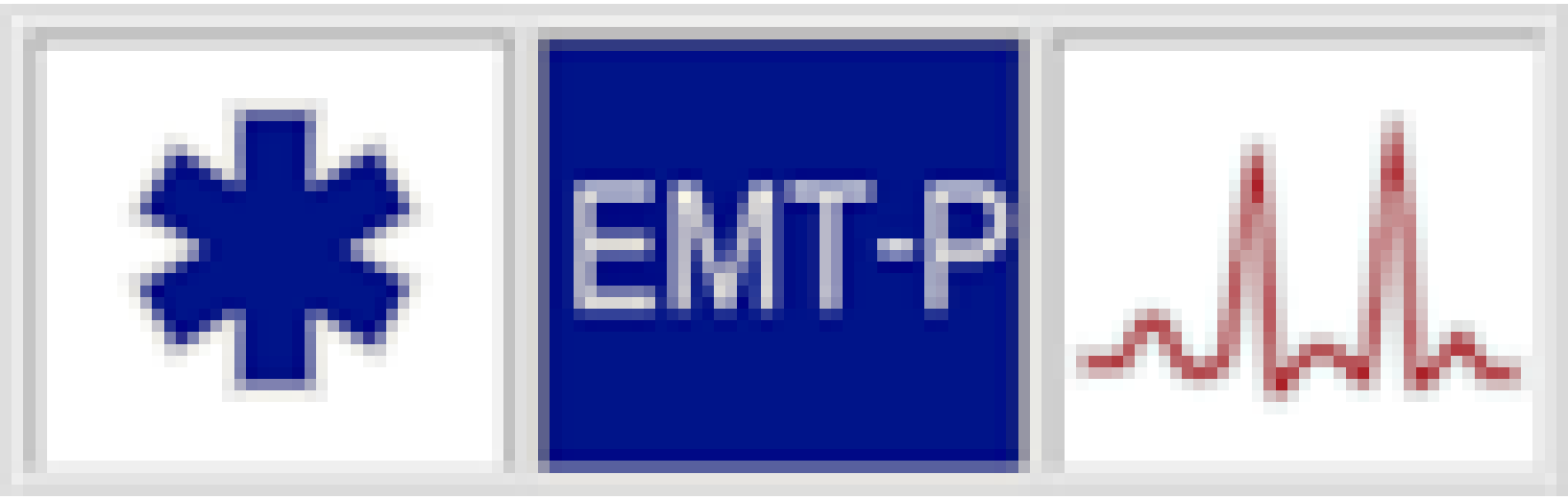
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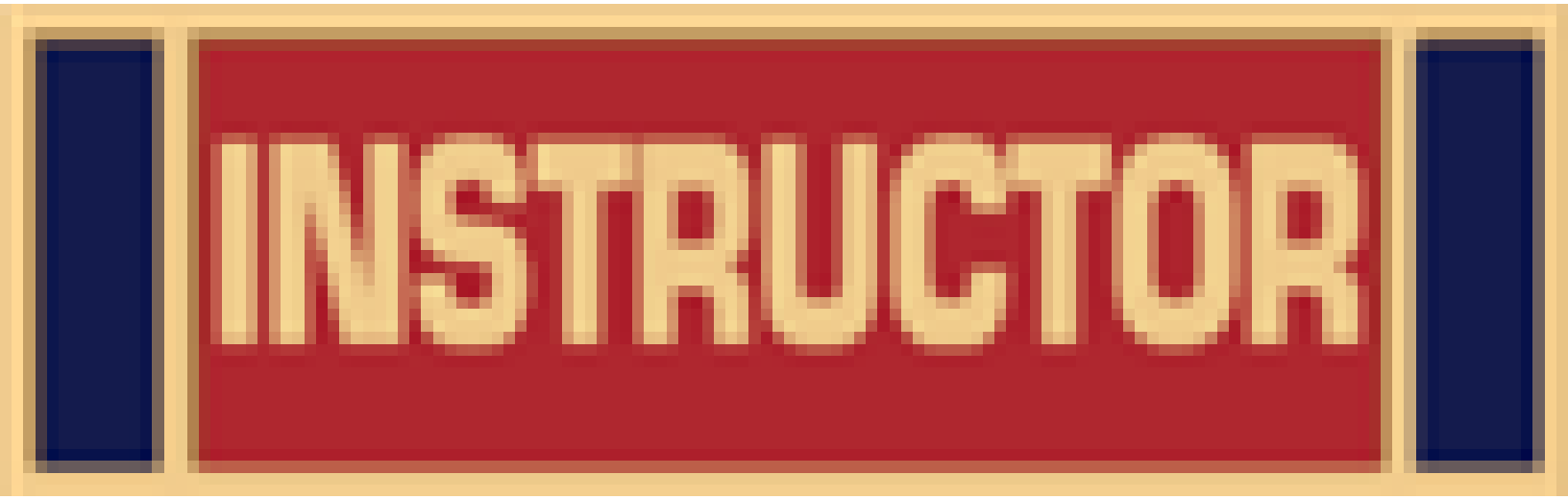
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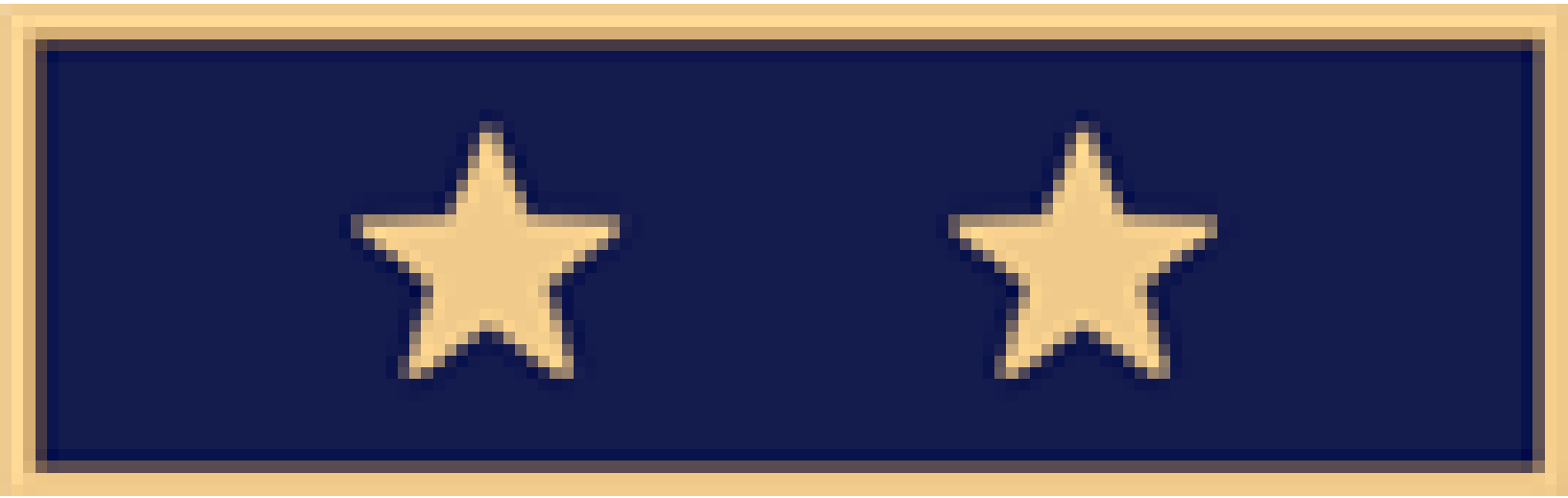

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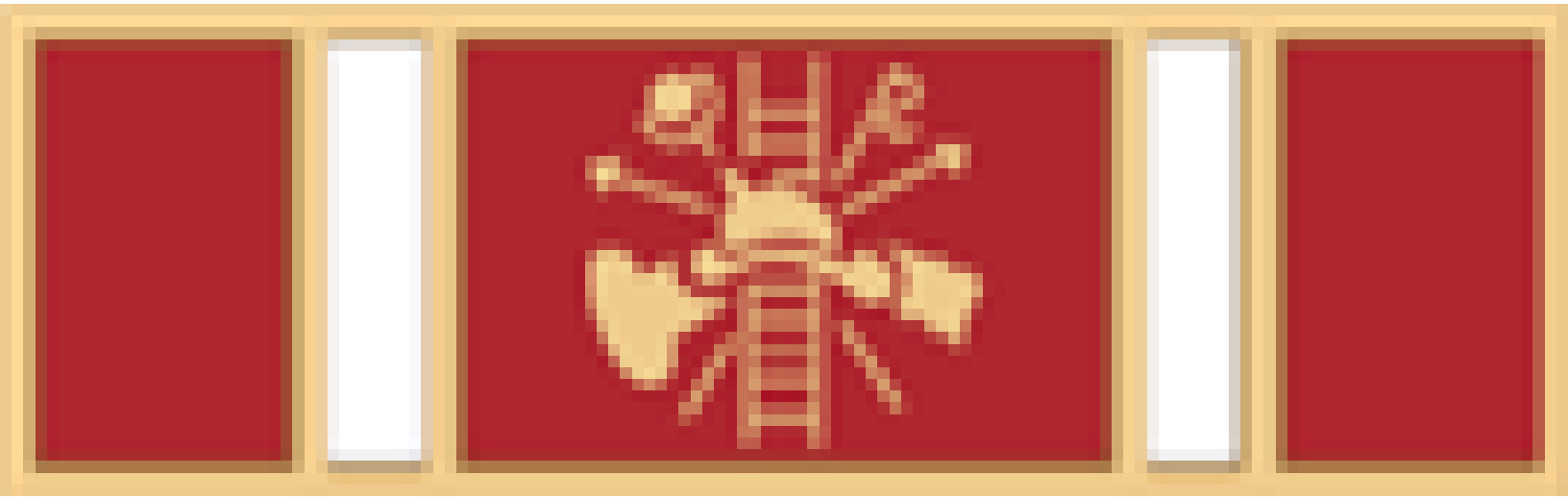

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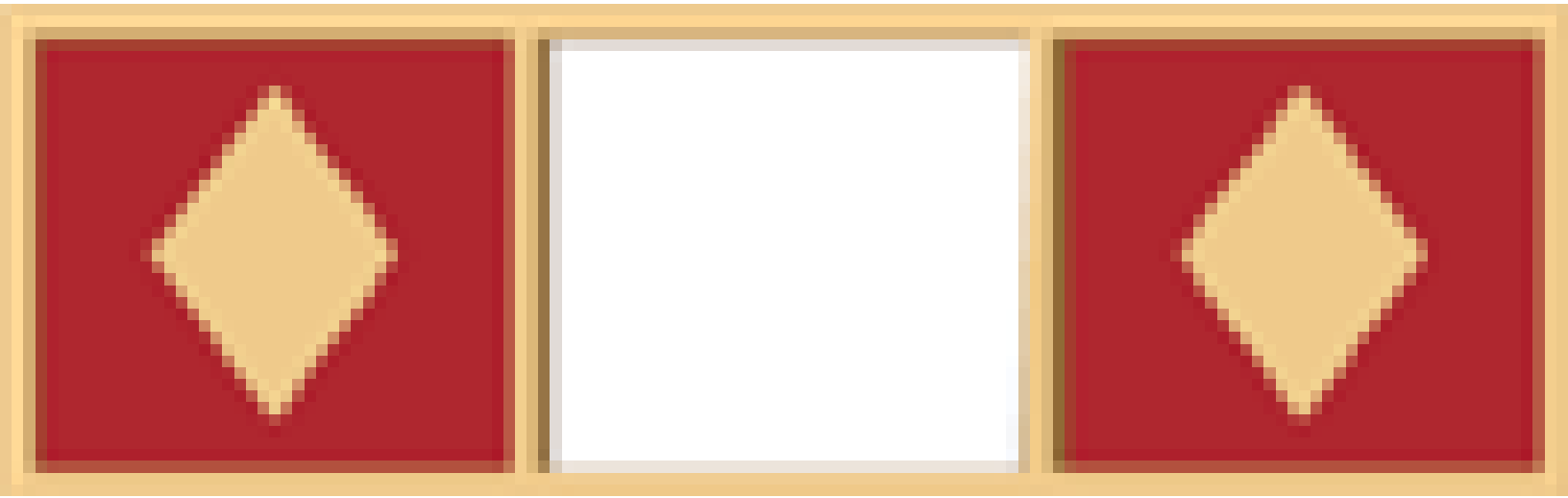

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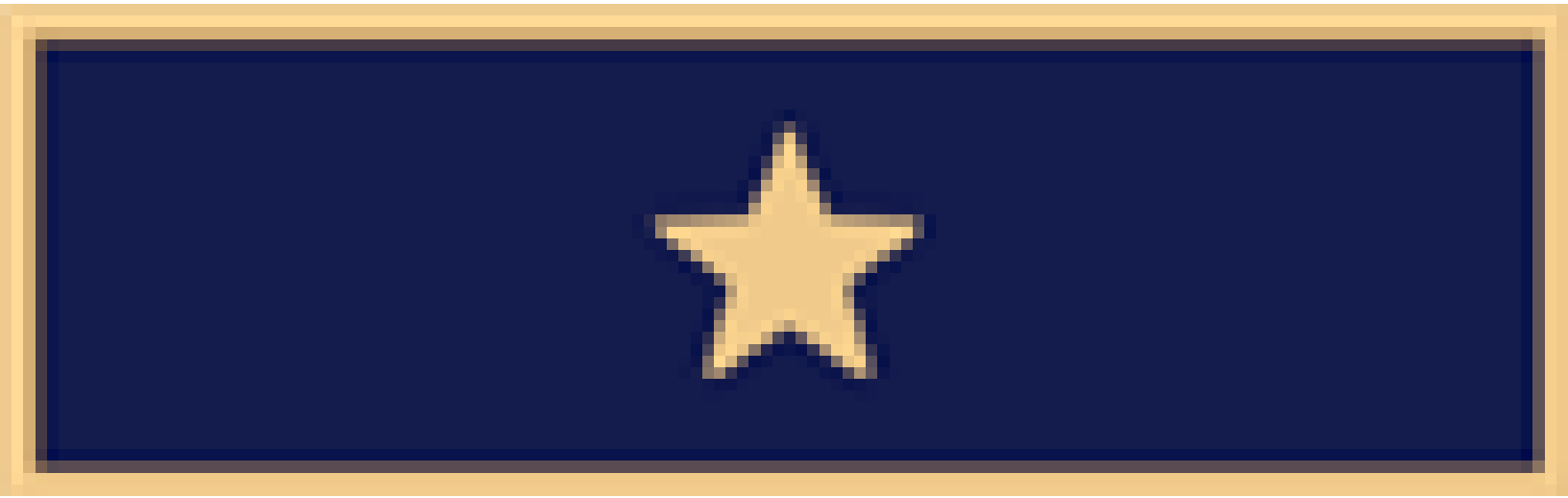

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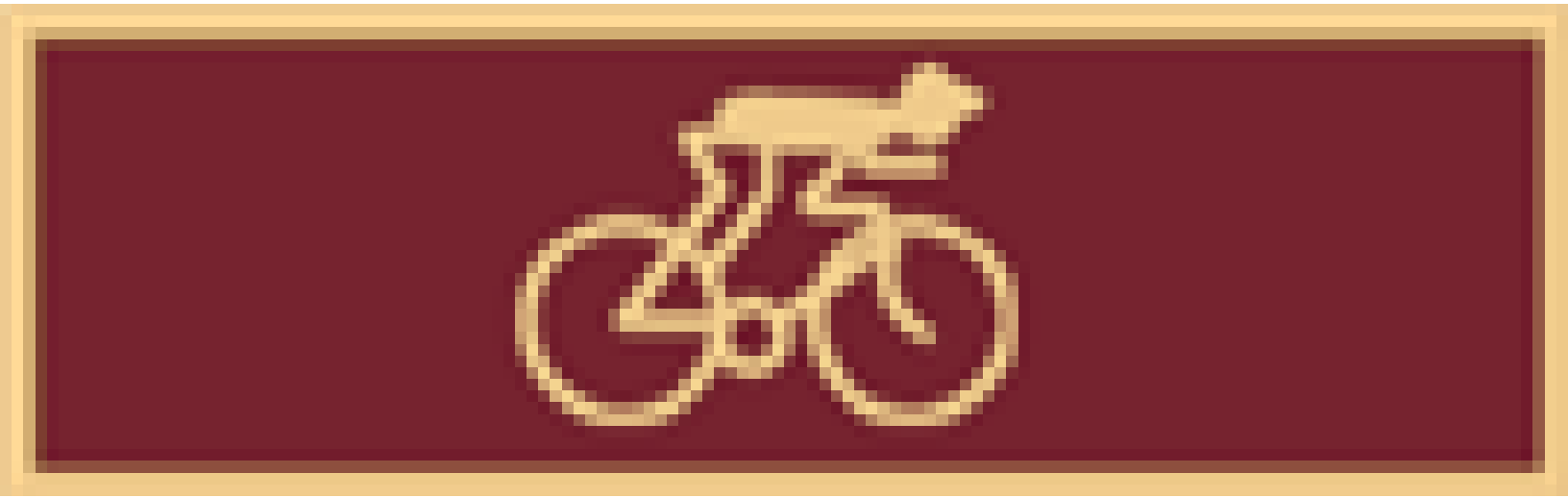

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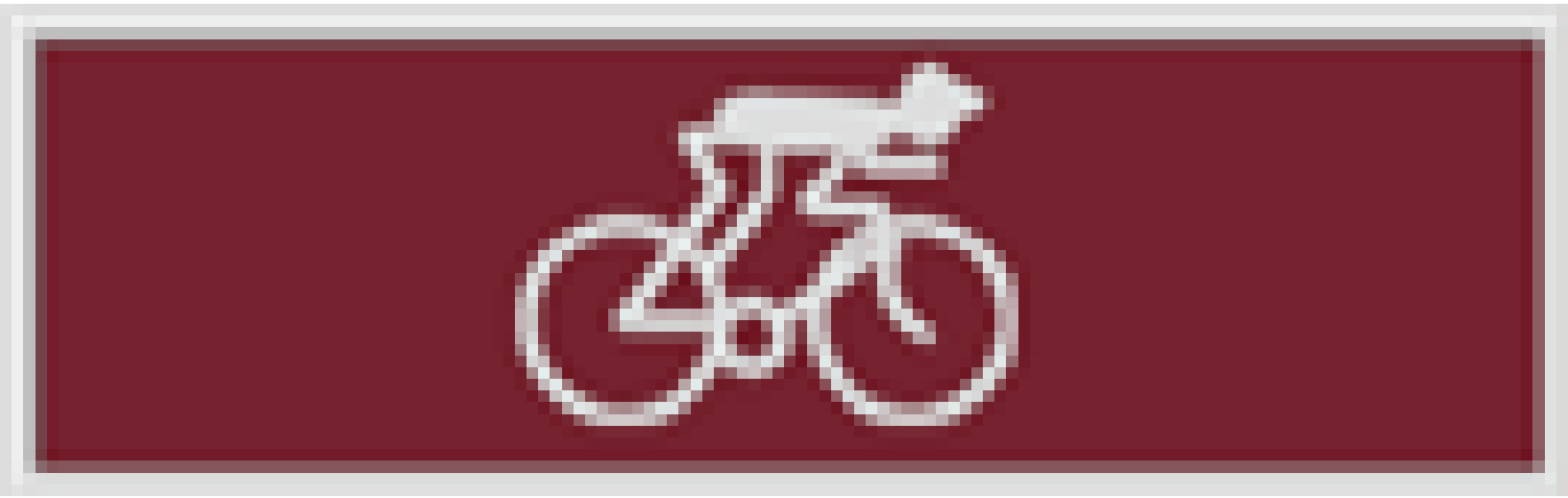

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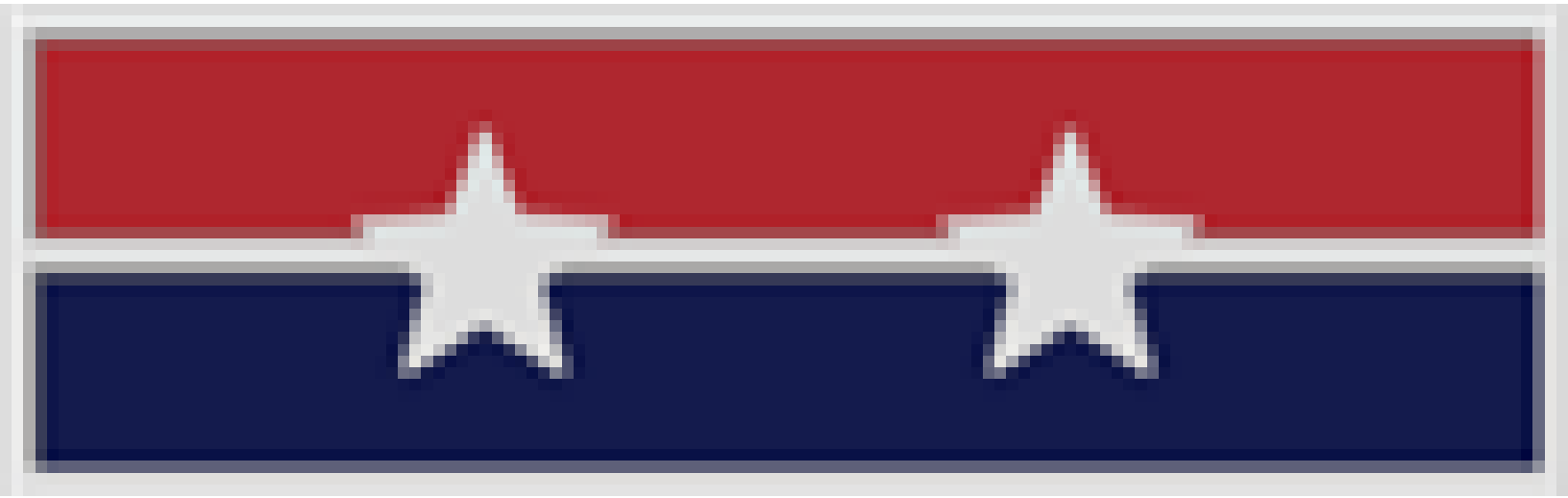

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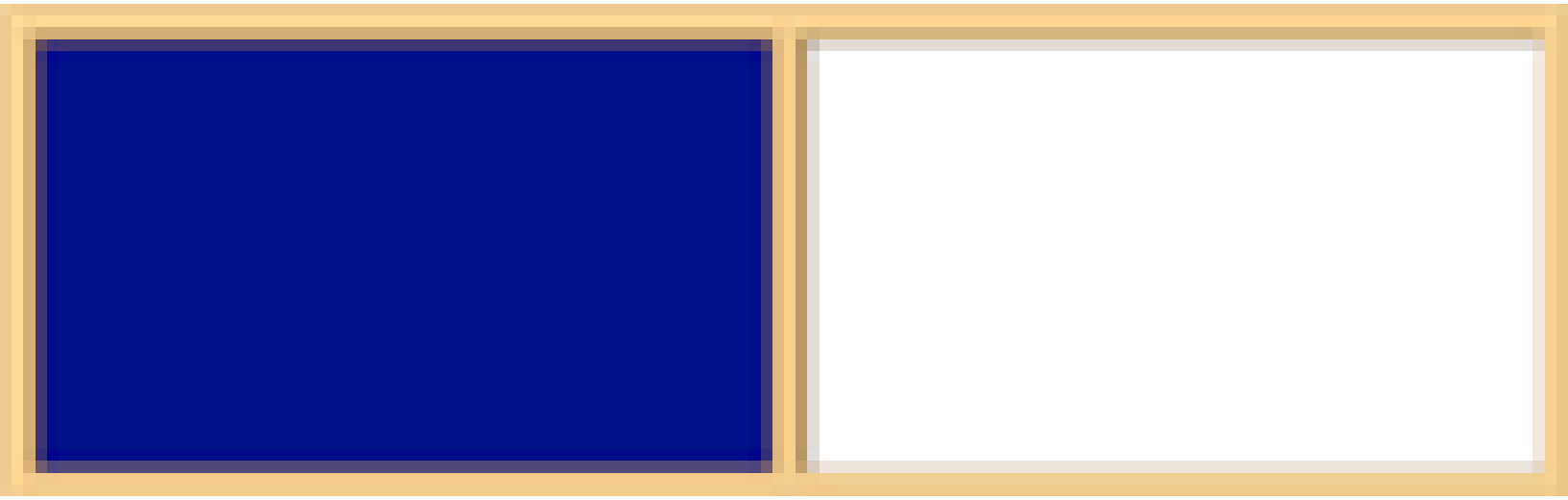

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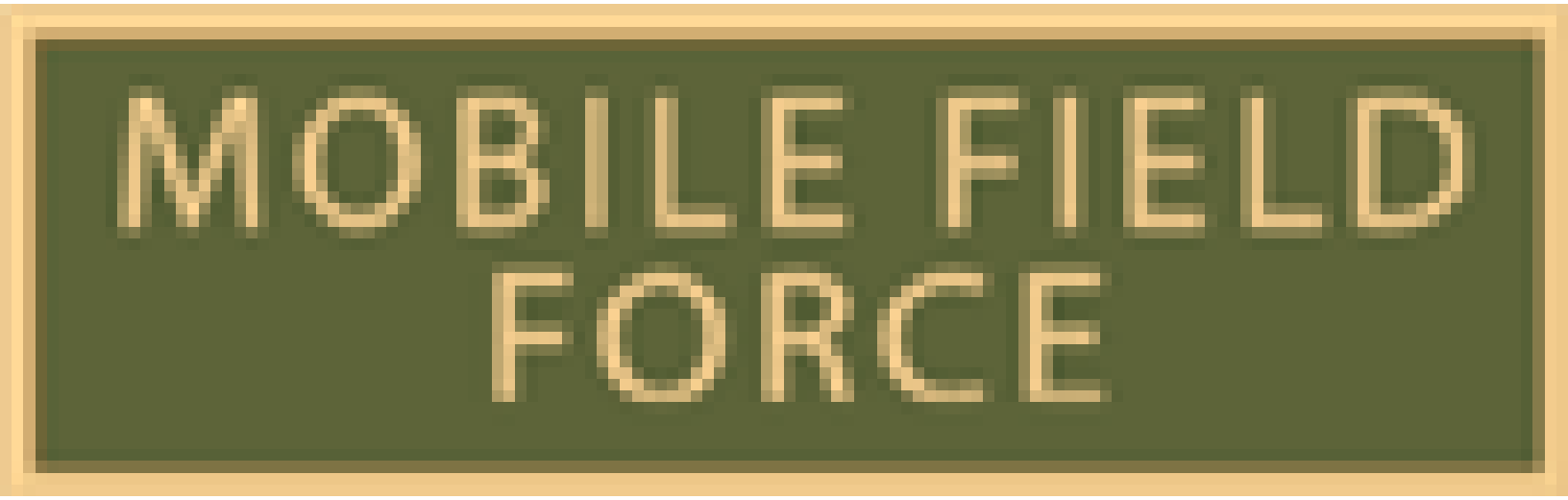
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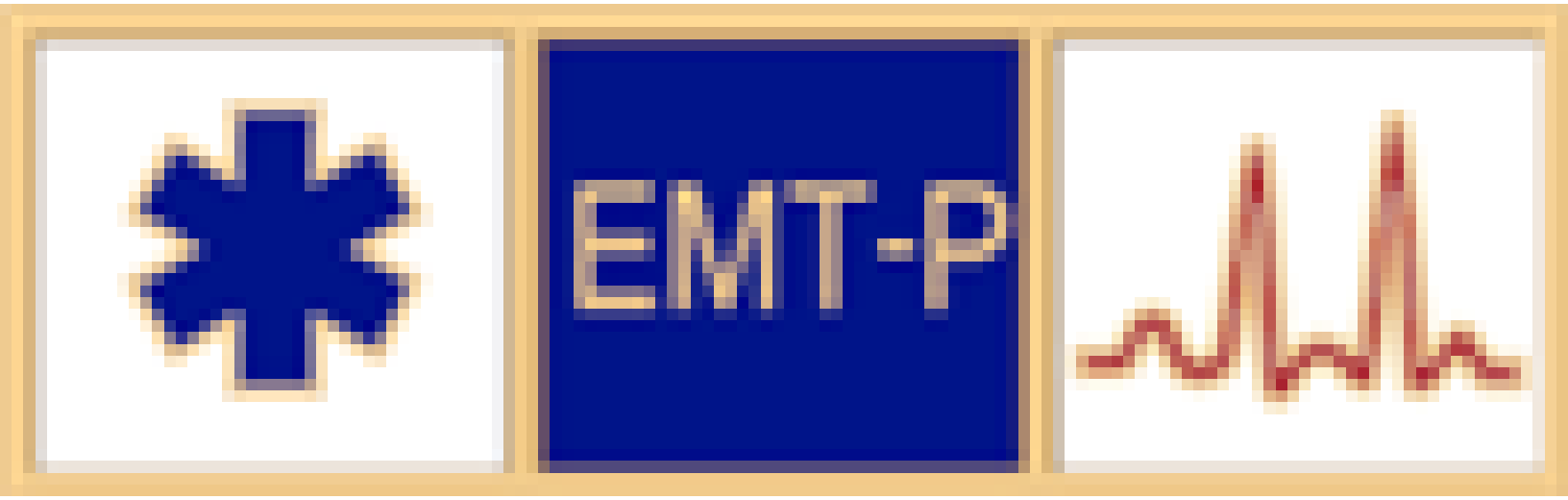
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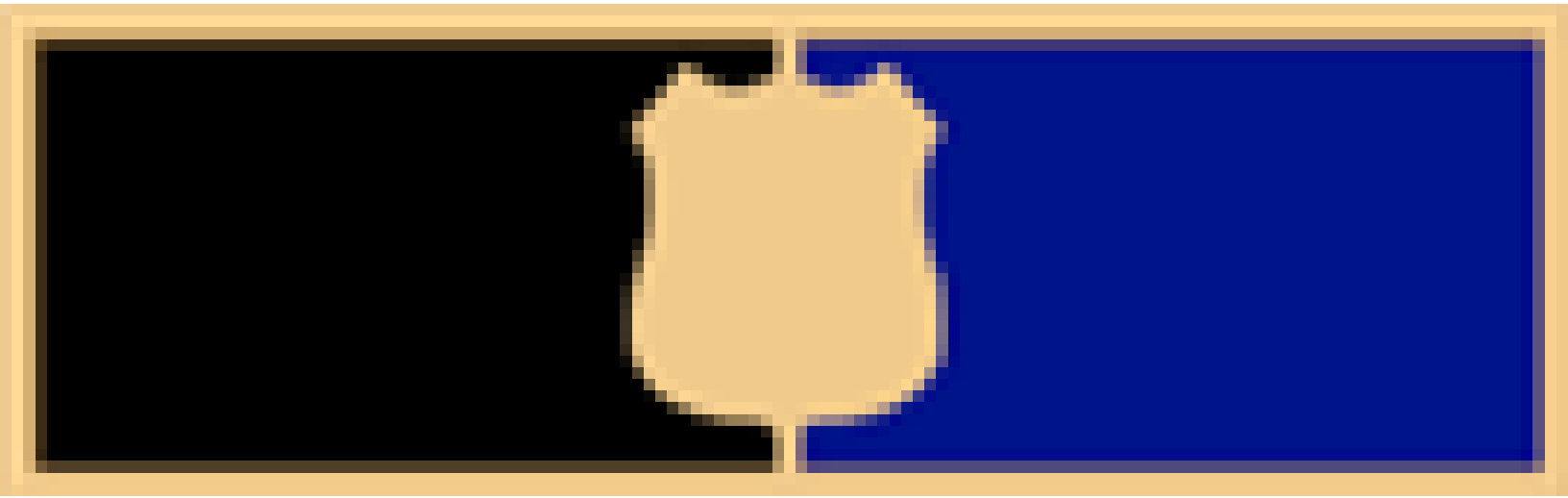

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MN POST Professional Conduct of Peace Officers Model Policy.pdf

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PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

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

A. PRINCIPLE ONE

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

1. **Rationale:** Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. **Rules**
   - **a)** Peace officers shall not knowingly exceed their authority in the enforcement of the law.
   - **b)** Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
   - **c)** Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
   - **d)** Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
   - **e)** Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

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

1. **Rationale:** Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. **Rules**
   - **a)** Peace officers shall carry out their duties with integrity, fairness and impartiality.

b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

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

2. **Rules**

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

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

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

2. **Rules**

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

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

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

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

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

f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.

g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

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

E. PRINCIPLE FIVE

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

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. **Rules**

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

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

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

F. PRINCIPLE SIX

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

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. **Rules**

a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.

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

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

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

e) Peace officers shall:

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

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

G. PRINCIPLE SEVEN

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

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. **Rules**
   - **a)** Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
   - **b)** Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
   - **c)** A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
   - **d)** A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

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

2. **Rules**
   - **a)** Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
   - **b)** Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
   - **c)** Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

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

PB Rev 01/2011

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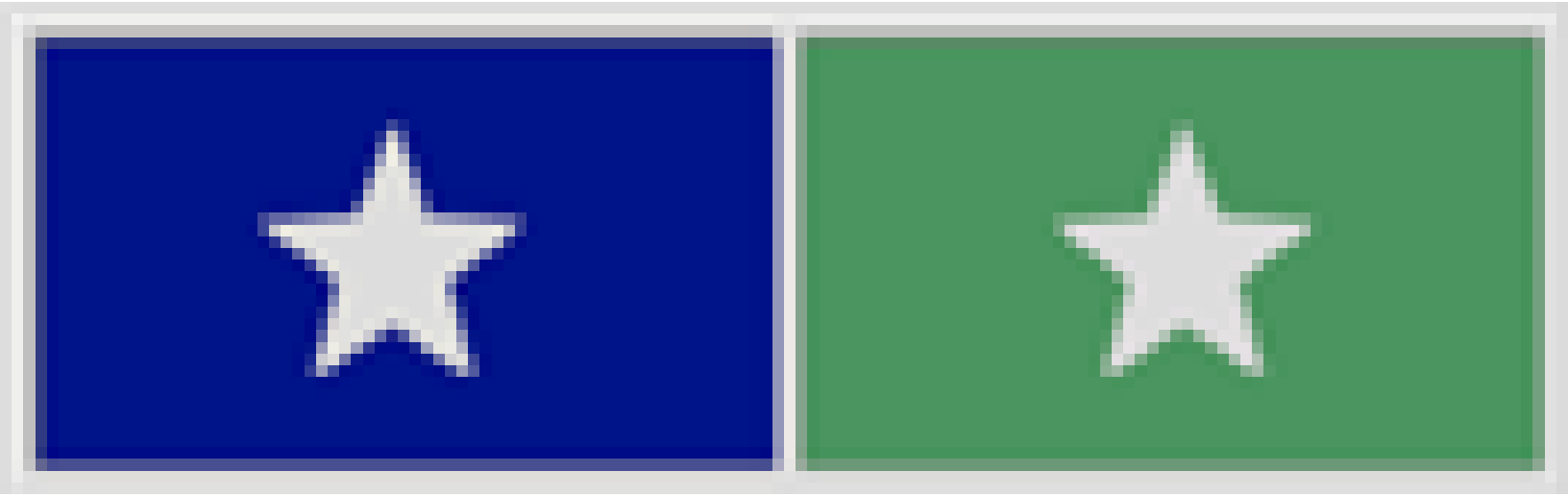

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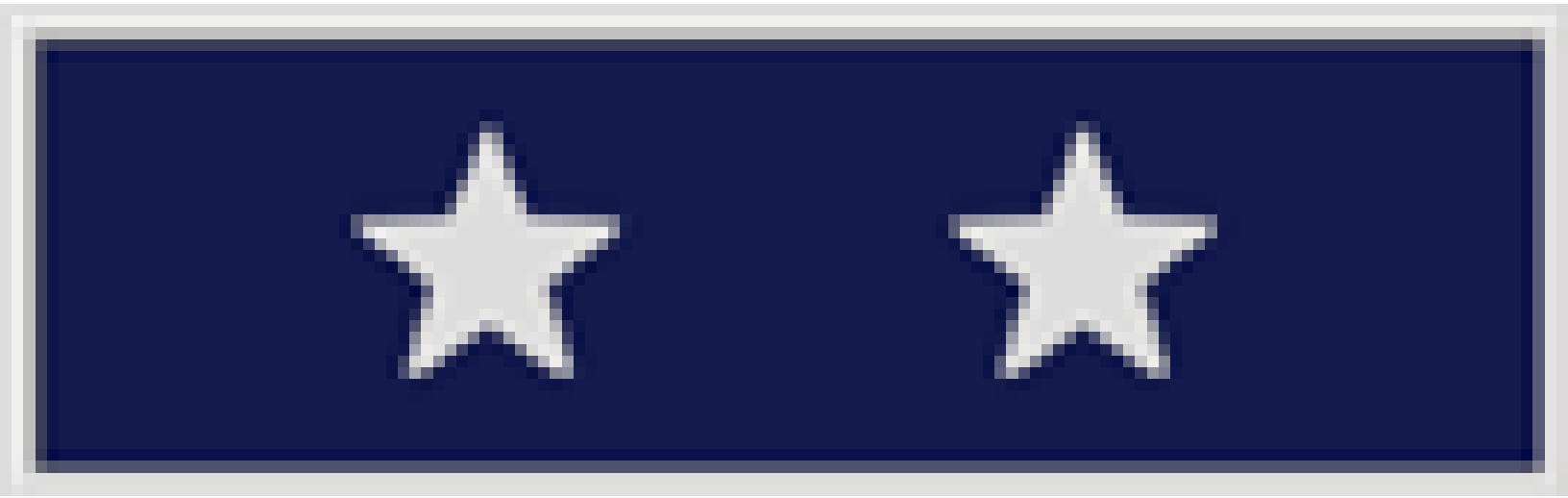

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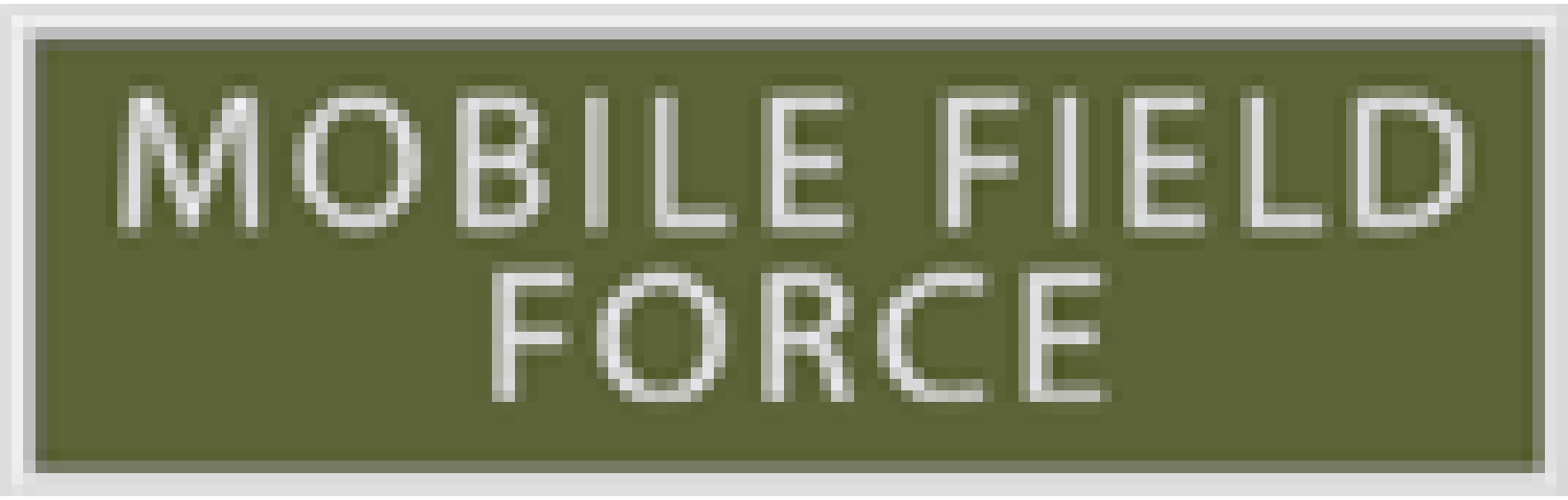
MOBILE FIELD
FORCE

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SERGEANT

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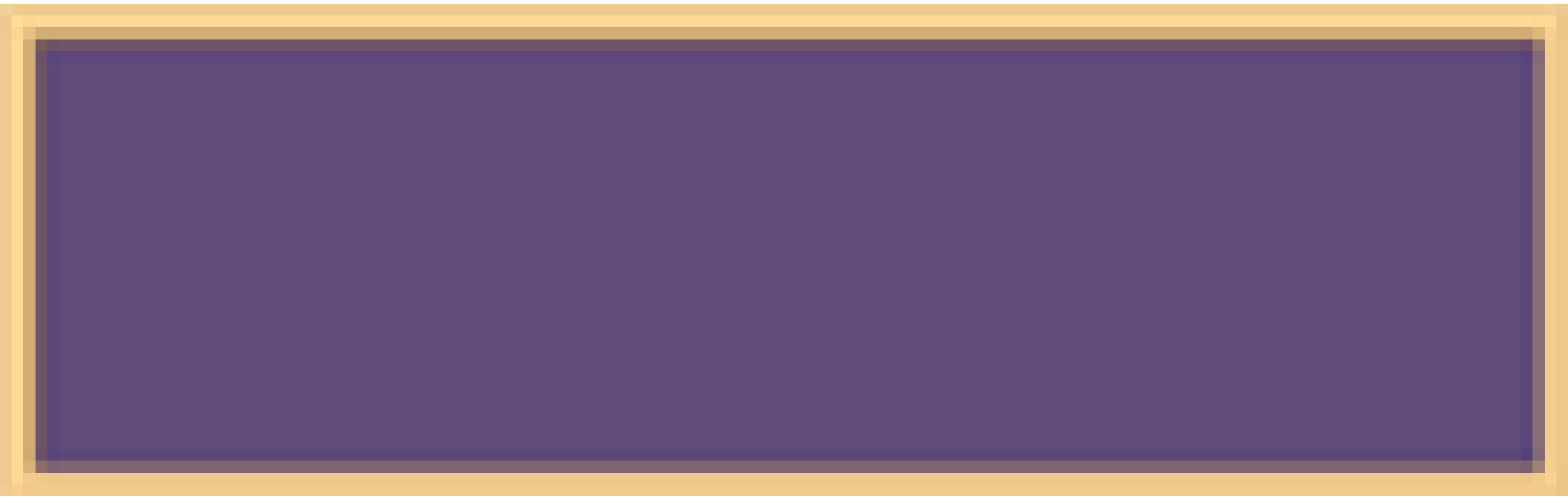

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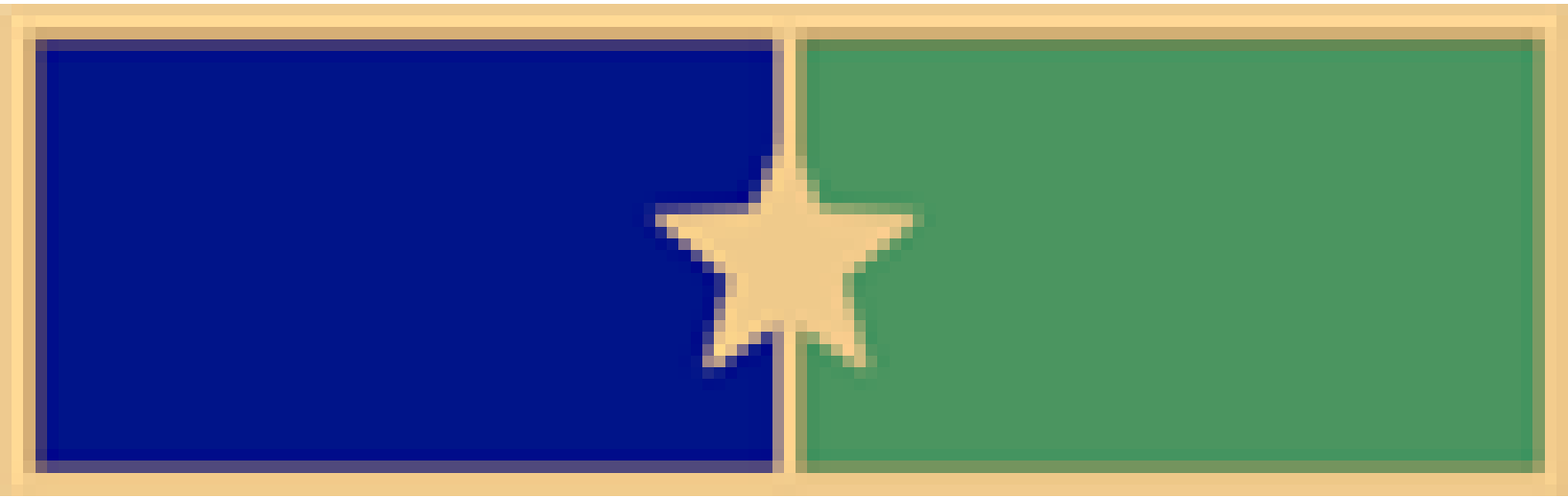

Eyewitness Identification Procedures Model Policy.pdf

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EYEWITNESS IDENTIFICATION PROCEDURES MODEL POLICY

Minn. Stat. 626.8433

POLICY:

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

Purpose:

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

Definitions:

Show-up: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

Blinded Presentation: The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

Procedure:

1. Show-ups

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

a. Document the witness's description of the perpetrator prior to conducting the show up.

b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.

c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.

d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.

e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.

f. Do not conduct the show-up with more than one witness present at a time.

g. Separate witnesses and do not allow communication between them before or after conducting a show-up.

h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.

i. Do not present the same suspect to the same witness more than once.

j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

l. Ask the witness to provide a confidence statement.

m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.

n. Videotape the identification process using an in-car camera or other recording device when feasible.

o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

Line-up and Photo Array Procedures

2. Basic Procedures for Conducting a Line-up or Photo Array

a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.

b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.

c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.

d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.

e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.

g. If there is more than one suspect, include only one in each line-up or photo array.

h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.

i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.

j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.

k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.

m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.

n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.

o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.

p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.

q. Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

3. Photographic Arrays
   a. Creating a Photo Array
      1. Use contemporary photos.
      2. Do not mix color and black and white photos.
      3. Use photos of the same size and basic composition.
      4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
      5. Do not include more than one photo of the same suspect.
      6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
      7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
      8. Fillers should not be reused in arrays for different suspects shown to the same witness.
   b. Conducting the Photo Array
      1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.

2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
    a. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
    b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
    c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

4. Line-ups
    a. Conducting the Line-up
        1. Live line-ups shall be conducted using a blind administrator.
        2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
    b. The primary investigating officer is responsible for the following:
        1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
        2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
        3. Making arrangements to have persons act as fillers.
        4. Ensuring that the suspect’s right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect’s right to counsel.
        5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

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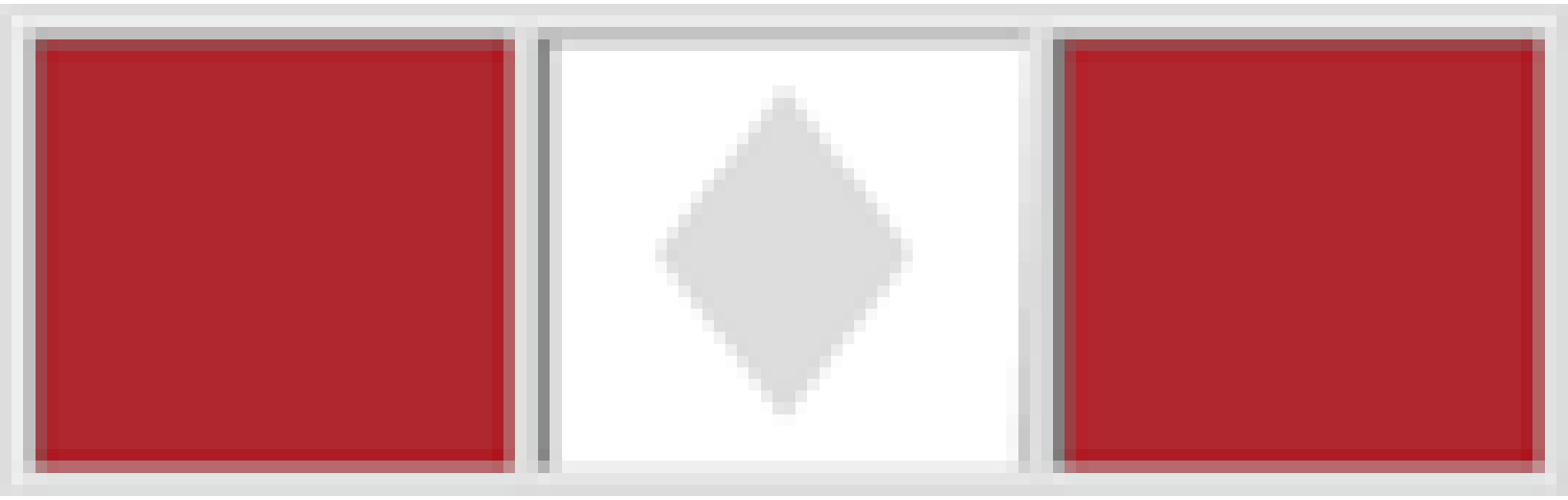

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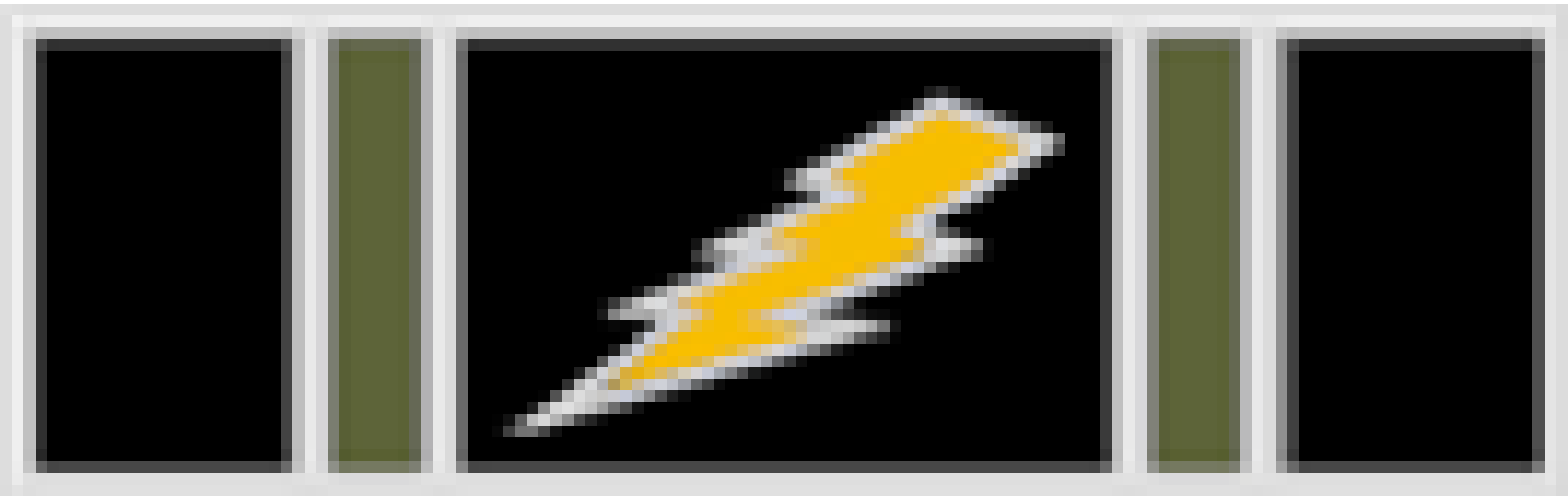

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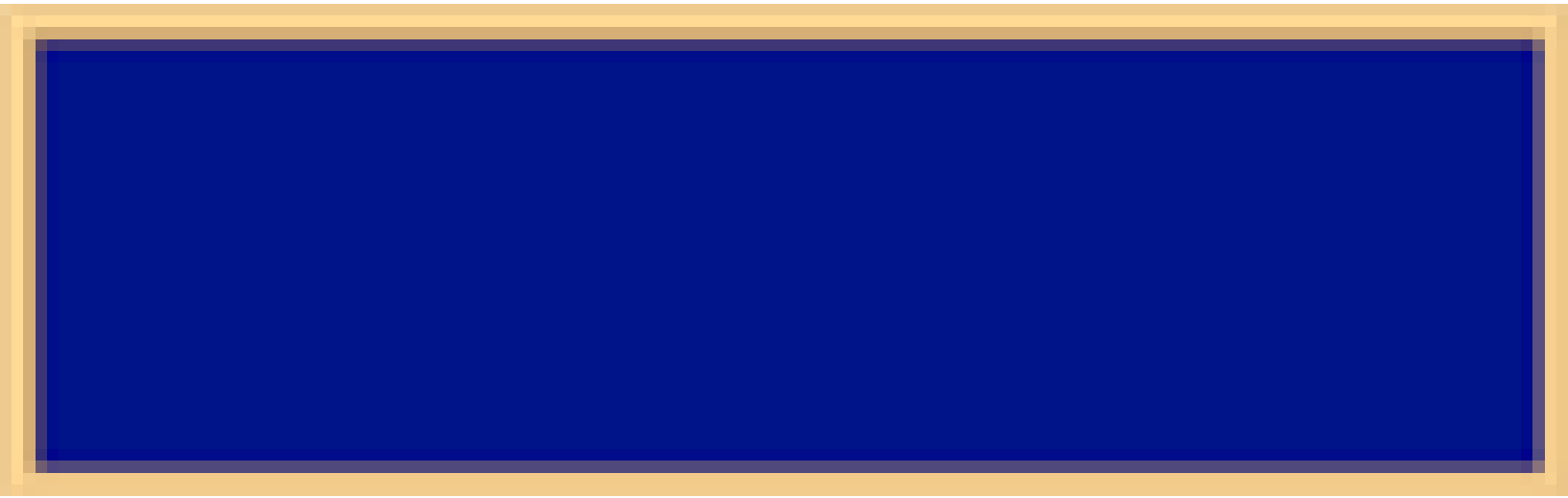

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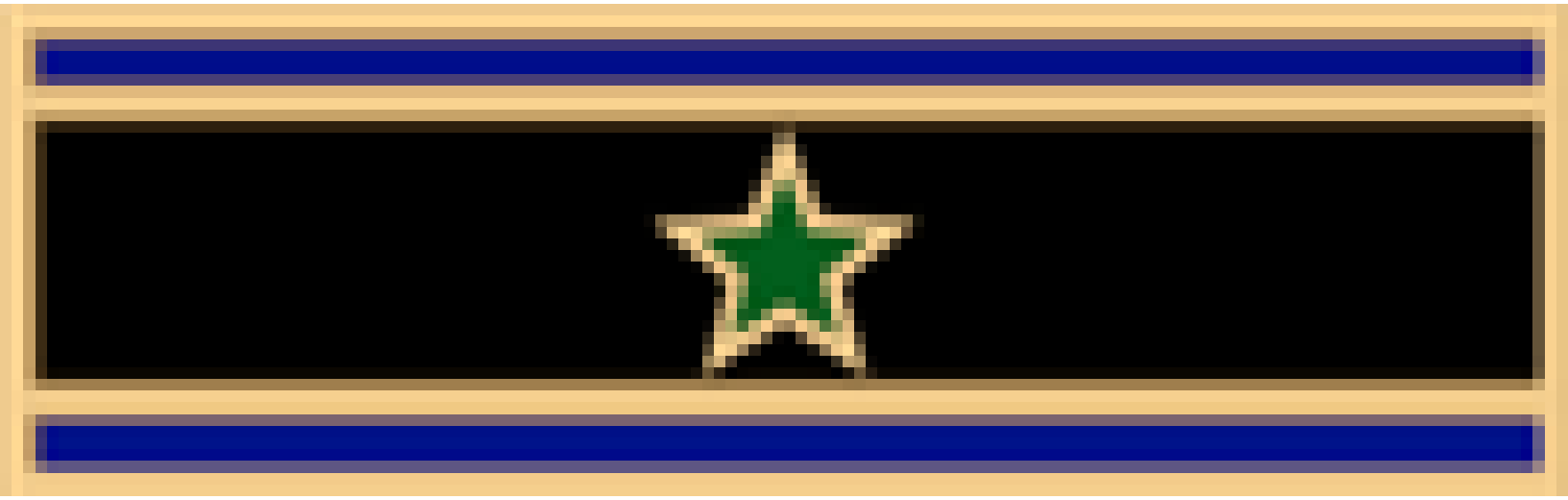

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THE OFFICIAL SEAL OF THE STATE OF MINNESOTA
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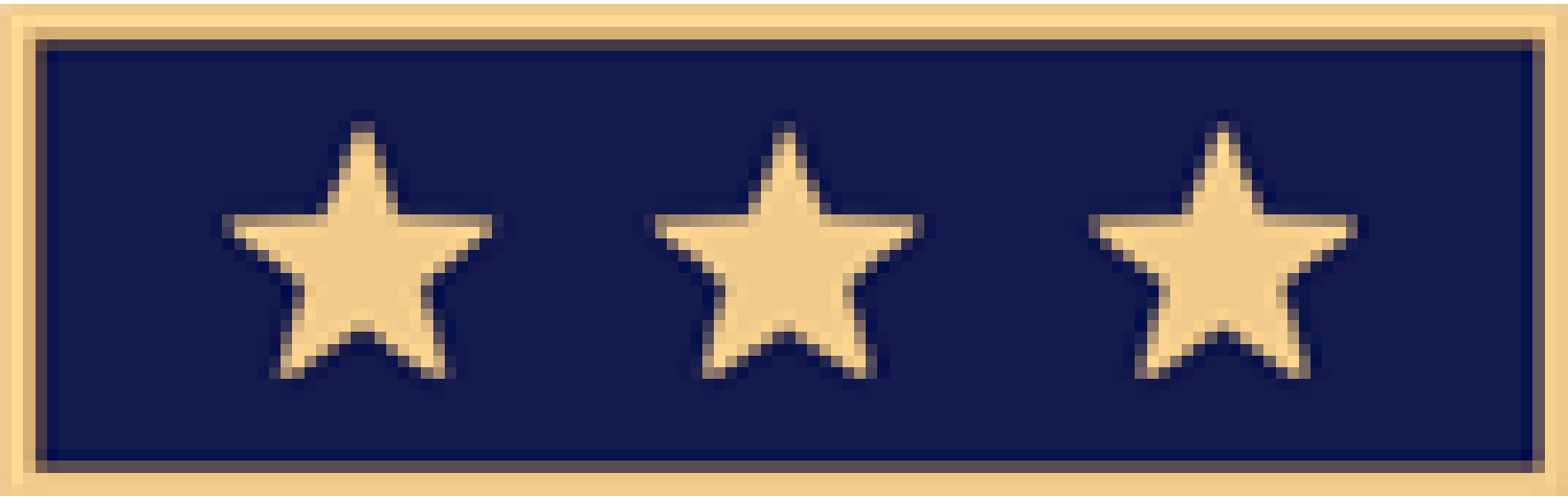

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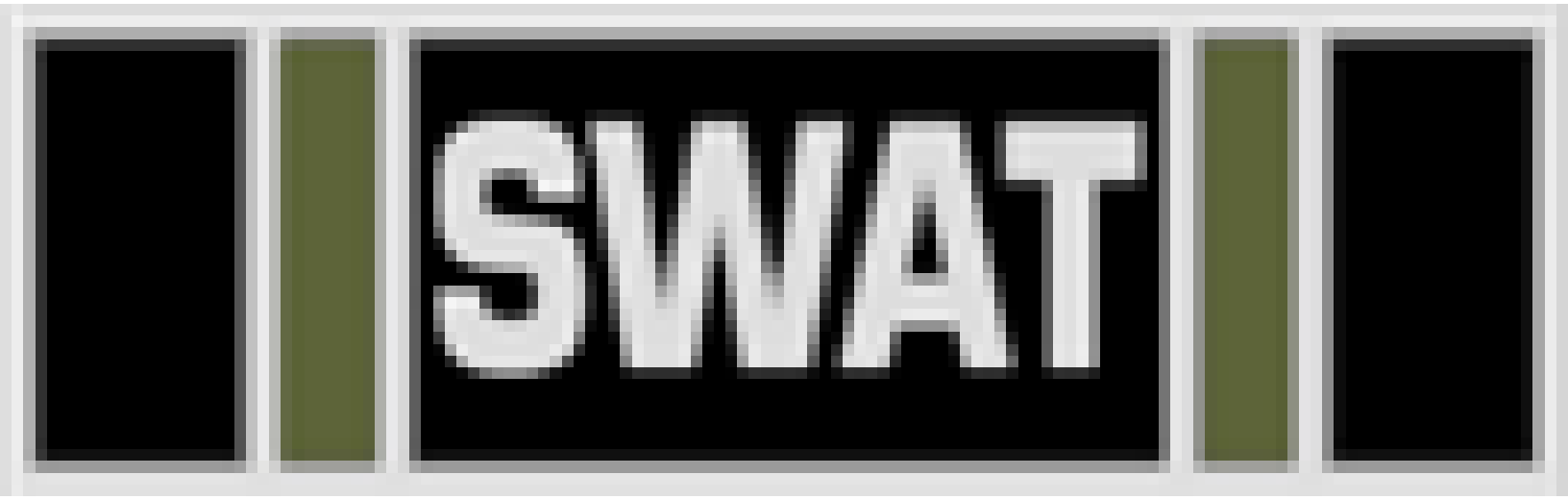
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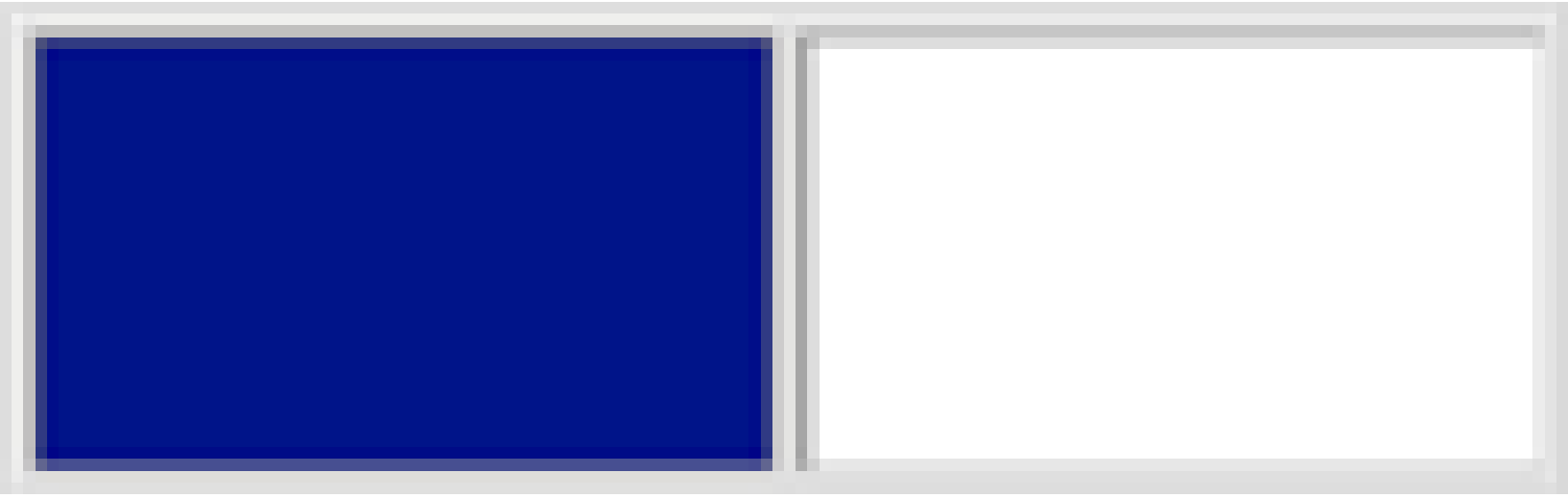

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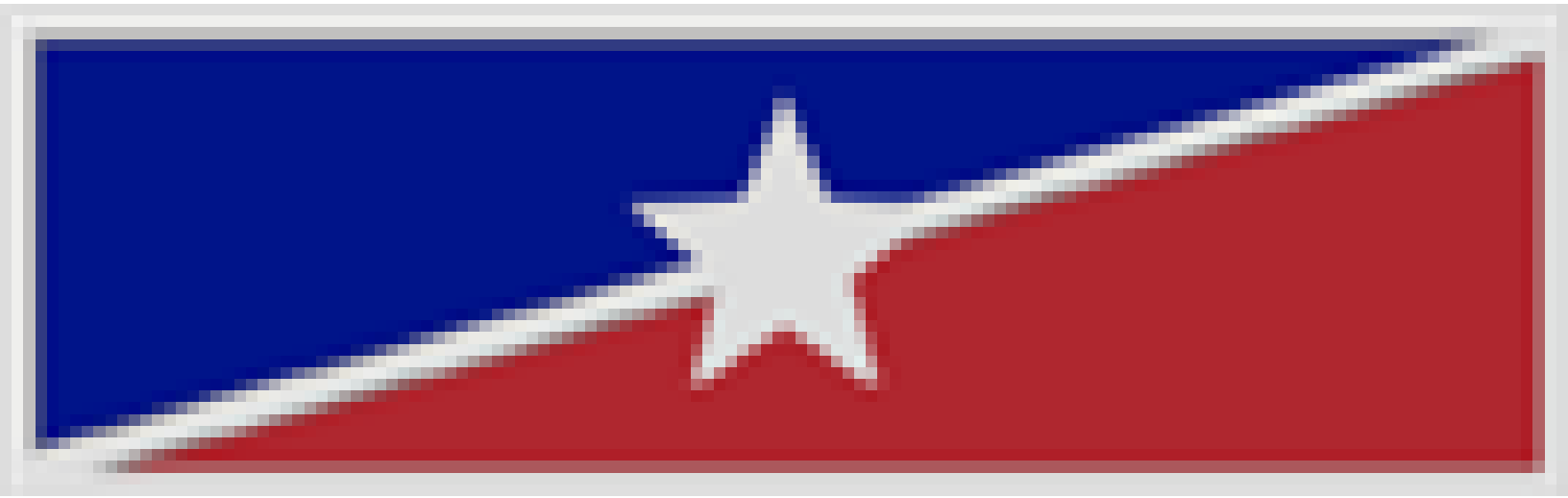

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PATROL

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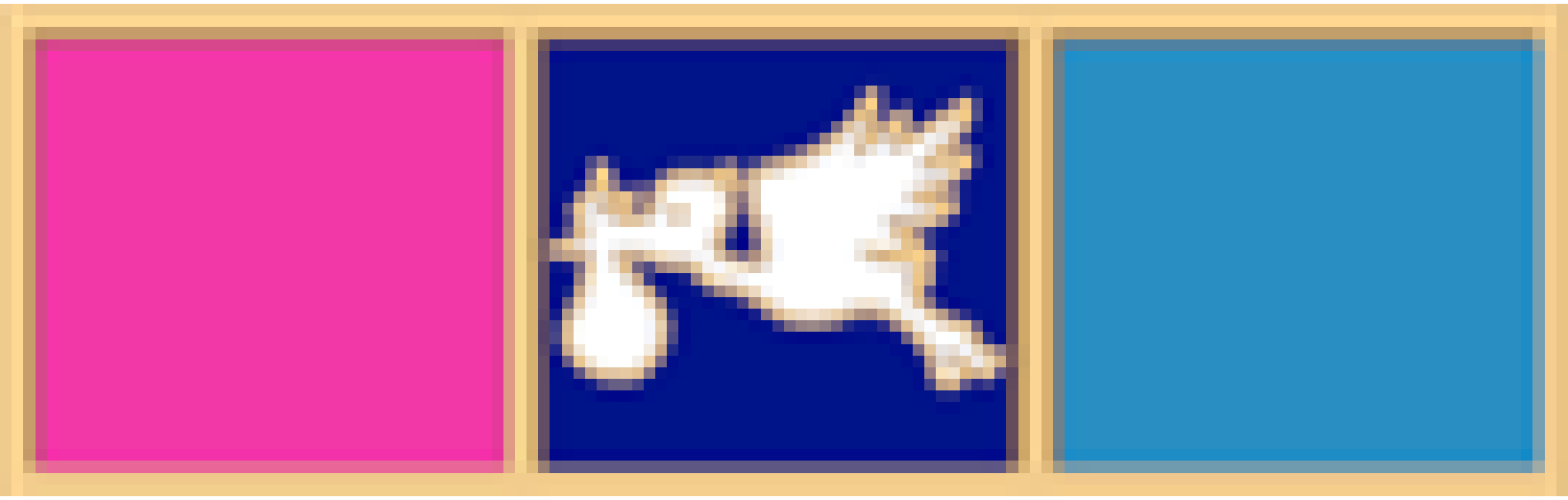

Confidential Informants Model Policy .pdf

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CONFIDENTIAL INFORMANTS MODEL POLICY

MN STAT 626.8476

I. POLICY

It is the policy of the ***(law enforcement agency)*** to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

II. DEFINITIONS

A. Confidential Informant (CI): A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and;

1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and
2. is able, by reason of the person's familiarity or close association with suspected criminals, to:
    i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
    ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
    iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

B. Controlled Buy: means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

C. Controlled Sale: means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.

D. Mental Harm: means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.

E. Target Offender: means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

F. Confidential Informant File*:* means a file maintained to document all information that pertains to a confidential informant.

G. Unreliable Informant File: means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.

H. Compelling Public Interest*:* means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.

I. Overseeing agent*:* means the officer primarily responsible for supervision and management of a confidential informant.

III. PROCEDURES

A. Initial Suitability Determination

An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:
    a. Age, sex, and residence
    b. Employment status or occupation
    c. Affiliation with legitimate businesses and illegal or suspicious enterprises
    d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
    e. Relationship with the target of an investigation
    f. Motivation in providing information or assistance
    g. Risk of adversely affecting an existing or future investigation
    h. Extent to which provided information can be corroborated
    i. Prior record as a witness
    j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime
    k. Risk to the public or as a flight risk
    l. Consultation with the individual's probation, parole, or supervised release agent, if any
    m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability
    n. Relationship to anyone in law enforcement
    o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement
    p. Prior or current service as a CI with this or another law enforcement organization
2. Prior to an individual's use as a CI, a supervisor or other designated authority must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.
3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:
    a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or
    b. is participating in a treatment-based drug court program or treatment court; except that
    c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.
5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.
6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.
7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in III.A.1.a–p, and III.A.3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.
8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.
9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.
10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

B. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:
    a. The individual is not excluded from utilization as a CI under III.A(3)(a-c) of this policy; and
    b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
    c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.
2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles
    a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.

b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*

c. Juveniles under the guardianship of the State may not be used as a CI.

2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.
2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.
3. CIs must not be used without authorization of the agency through procedures identified in this policy.
4. CIs must not be used to gather information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.
6. All CIs must sign and abide by the provisions of the agency's CI agreement.
7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.
8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:

    a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section E of this policy must be followed.

    b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.

    c. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.

    d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.

    e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.

    f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.

    g. CIs may be directed to wear a listening and recording device.

    h. CIs must be required to submit to a search before and after a controlled purchase.

i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.

9. CI activity outside jurisdictional boundaries:
    a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
    b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.
10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.
12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.
15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
    a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.
    b. Overseeing agents must document:
        i. the screening,
        ii. any referral to services provided to, or requested by, the CI, and
        iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.
    c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.

17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.
18. Overseeing agents must:
    a. evaluate and document the criminal history and propensity for violence of target offenders; and
    b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.
21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.
22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the agency.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.
4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
    a. Name, aliases, and date of birth
    b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
    c. Emergency contact information
    d. Name of the officer initiating use of the informant and any subsequent overseeing agents
    e. Photograph and criminal history record
    f. Current home address and telephone number(s)
    g. Residential addresses in the last five years
    h. Current employer, position, address, and telephone number
    i. Social media accounts
    j. Marital status and number of children

k. Vehicles owned and their registration numbers

l. Places frequented

m. Gang affiliations or other organizational affiliations

n. Briefs of information provided by the CI and the CI's subsequent reliability

o. Special skills and hobbies

p. Special areas of criminal expertise or knowledge

q. A copy of the signed informant agreement

5. CI files must be maintained in a separate and secured area.
6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.
7. CI File Review
    a. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.
    b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
    c. Officers must not remove, copy, or disseminate information from the CI file.
    d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
    e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.
    f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
    a. The name of the agency.
    b. The name of the CI.
    c. The control number of the CI, where applicable.
    d. The date of deactivation.
    e. The reason for deactivation.
    f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.
    g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
    h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.

i. A signature by the overseeing agent.

2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

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