7-811 Foot Pursuits
(xx/xx/23)

I. Purpose

The safety of employees, members of the public, and any person being pursued is the primary consideration when determining whether a foot pursuit should be initiated or continued.

The purpose of this policy is to uphold the sanctity of life and the rights and safety of all involved in a foot pursuit.

This policy describes the conditions and prohibitions associated with foot pursuits, and details the responsibilities for pursuing employees, assisting employees, and supervisors, when involved in a foot pursuit.

II. Definitions

Foot Pursuit: When an employee pursues (on foot or bicycle) a person who is attempting to evade law enforcement.

Partner Splitting: When loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other should a confrontation take place.

Reasonable Suspicion: A well founded suspicion based on specific, objective, articulable facts, taken together with the employee’s training and experience, that a subject has committed, is committing, or is about to commit a crime.

III. Policy

A. Employee, Community, and Suspect Safety

1. Foot pursuits are inherently dangerous police actions. The safety of employees, the suspect, and the public should be the primary consideration when determining whether a Foot Pursuit should be initiated or continued. Employees must be mindful that immediate apprehension of a suspect is rarely more important than the safety of other members of the public or employees.

2. When deciding to initiate or continue a Foot Pursuit, employees must continuously balance the objective of apprehending the suspect(s) with the risk and potential for injury to employees, bystanders, and the suspects. Employees must act reasonably, based on all of the circumstances.
B. Reasonable Suspicion Required

1. Employees may only engage in Foot Pursuits with suspects when there is Reasonable Suspicion to believe that the suspect has committed, is committing, or is about to commit a crime (with the exception of those instances identified below under prohibited actions) and when employees reasonably believe that there is a valid law enforcement need to detain the suspect that outweighs the threat to safety posed by pursuit.

2. An employee shall not conduct a Foot Pursuit based solely on a person’s response to the presence of police, including a person’s attempt to avoid contact with an employee (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with an employee for many reasons other than involvement in criminal activity.
   a. The mere act of flight alone by a person shall not serve as justification for engaging in a Foot Pursuit. Employees are prohibited from basing an investigative stop only on a person’s response to the presence of police, such as a person’s attempt to avoid contact with an employee or flight (P&P 9-200).
   b. If otherwise consistent with this policy, an employee may conduct a Foot Pursuit when a person in a location known for certain criminal activity runs, unprovoked, from the police and the officer can articulate reasonable suspicion to believe the person is running because they are involved in the type of criminal activity prevalent in that location.
      i. In this situation, the employee must be able to articulate the specific facts establishing Reasonable Suspicion, including how the individual’s unprovoked flight is linked to their suspected participation in the type of criminal activity prevalent in that location.
         Examples of facts that may establish a link between a person’s unprovoked flight and the type of criminal activity prevalent in a location include:
         • The employee observes the person taking actions that are consistent with the commission of the particular crime prevalent at that location.
         • The employee has personal knowledge that the person has committed the crime previously.
         • The employee has personal knowledge that there was a recent call for service about that particular crime being committed at that location.
      ii. Employees shall avoid broad, boilerplate phrases such as “high crime area” when articulating justifications for Foot Pursuits and Investigative Stops (P&P 9-200).
      iii. Employees are prohibited from intentionally provoking or attempting to provoke flight in an effort to justify an Investigative Stop or a Foot Pursuit. For example, an employee may not drive at a high rate of speed toward a group congregated on
a corner, perform a threshold brake, and exit quickly with the intention of stopping anyone in the group who flees.

C. Supervision and Termination of a Foot Pursuit

When directed by a supervisor to terminate a Foot Pursuit, such an order shall be considered mandatory and the pursuit must be discontinued.

D. Use of Force

1. Employees must use the tactics described below to avoid the use of unnecessary or excessive force during or at the conclusion of a Foot Pursuit.

2. When a Foot Pursuit terminates with a suspect in custody, it is prohibited to use force to punish persons for fleeing, resisting arrest, or assaulting an employee (in accordance with P&P 5-301).

IV. Procedures/Regulations

A. Conditions for a Foot Pursuit

1. Offense seriousness

   a. Although Foot Pursuits are permissible with Reasonable Suspicion as articulated above, employees are expected to weigh the seriousness of the offense against the immediate need to apprehend and the consideration of employee and public safety.

      For example, the need to immediately apprehend a shoplifter may be minimal, while the need to bring an armed carjacking suspect to justice is more significant given the danger they pose to the public.

   b. Employees shall not engage in a Foot Pursuit for the following offenses:

      • Curfew violations
      • Citation-only violations
      • Non-arrestable violations

2. Decision to pursue

   a. Deciding to initiate or continue a Foot Pursuit is a decision that an employee must make quickly and under unpredictable and dynamic circumstances. It is recognized that Foot Pursuits may place employees and the public at significant risk.

      i. Any doubt by participating employees or their supervisors regarding the overall safety of any Foot Pursuit shall be decided in favor of communication, coordination, surveillance, and containment.
ii. No employee or supervisor shall be criticized or disciplined for deciding not to engage in a Foot Pursuit or ordering the termination of an ongoing pursuit based upon a reasonable assessment of the perceived risk to the employee and those they are entrusted to serve.

b. The decision to initiate or continue a Foot Pursuit must be continuously re-evaluated in light of the circumstances presented at the time, including whether Reasonable Suspicion is still established or has been dispelled.

3. Danger to the public or employees
   a. An employee shall not initiate or continue a Foot Pursuit if the employee reasonably believes that the danger to the public or employees outweighs the objective of immediate apprehension.
   b. An employee shall not continue a Foot Pursuit if the employee becomes aware of unanticipated circumstances that unreasonably increase the risk to employees or the public.

4. Known identity
   An employee shall not initiate or continue a Foot Pursuit if 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 employees or the public if the suspect is not immediately apprehended.

5. Lost equipment
   An employee shall not initiate or continue a Foot Pursuit if the employee knowingly loses possession of their firearm, radio, or other essential equipment which may endanger the employee or the public if recovered by another person.

6. Loss of communication
   An employee shall not initiate or continue a Foot Pursuit if the employee is unable to or loses the ability to promptly and effectively communicate with dispatch or other employees.

7. Injuries
   a. An employee shall not continue a Foot Pursuit if they become injured and are unable to safely continue the Foot Pursuit.
   b. An employee shall not continue a Foot Pursuit if a third party is injured and requires immediate medical aid that cannot be provided by other on-scene employees or emergency medical personnel.
8. Unknown location

An employee shall not initiate or continue a Foot Pursuit if the employee is unaware of their current location or is unable to provide a location for support units to respond.

9. Multiple suspects

a. An employee shall not initiate or continue a Foot Pursuit if acting alone and the pursuit results or would result in an employee chasing two or more suspects simultaneously.

b. If two employees engage two or more suspects and the suspects flee in different directions, the two employees should not separate and should instead pursue a single suspect.

c. If two or more employees have multiple suspects detained and one suspect flees, an employee should not pursue the fleeing suspect if the number of detained suspects exceeds or would exceed the number of employees staying with them.

10. Suspect enters a confined or isolated structure or area

a. In the event that the suspect enters a building, structure, confined space, wooded or otherwise isolated area, or dense or difficult terrain, the pursuing employee should consider discontinuing the Foot Pursuit and coordinating containment pending the arrival of sufficient resources.

b. If the Foot Pursuit will continue, the employee shall assess the situation, notify police dispatch of their location and determine whether to wait for the arrival of responding members and a supervisor so a perimeter around the area can be established.

c. SWAT shall always be requested in cases where the suspect is believed to be armed and has taken a defensive posture which would meet the definition of a barricaded person.

11. Higher risk situations

Employees should consider alternatives to engaging in or continuing a Foot Pursuit in the following circumstances, which create particularly high risk for the employees and the public:

a. The employee is acting alone.

b. Two or more employees 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 employee keep the suspect in sight from a safe distance and coordinate the containment effort.
c. The physical condition or size of the employee relative to the suspect renders them incapable of controlling the suspect if apprehended.

d. The person being pursued is visibly armed with a firearm.

e. The suspect's location is no longer known.

f. The employee's ability to safely continue the Foot Pursuit is impaired by inclement weather, darkness, or other environmental conditions, such as steep terrain, worn-out structures, piles of debris, etc.

g. The presence of vehicular traffic in the area of the pursuit and risk of emergency vehicle response by additional employees create safety concerns.

h. When the employees involved are not readily identifiable as MPD officers.

B. Alternatives to a Foot Pursuit

Surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a Foot Pursuit, employees should continuously consider reasonable alternatives based upon the circumstances and resources available, such as:

1. Containment of the area.

2. Saturation of the area with law enforcement personnel, including assistance from other agencies.

3. A canine search (P&P 7-807).

4. Thermal imaging or other sensing technology.

5. Air support.

6. 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.

C. Procedures for Pursuing Employees

1. Activate BWC

Employees initiating or joining a Foot Pursuit shall ensure their Body Worn Camera (BWC) is activated in accordance with P&P 4-213 and remains activated throughout the duration of the Foot Pursuit.
2. Responsibility for coordination

Unless relieved by another employee or a supervisor, the initiating employee shall be responsible for coordinating the progress of the pursuit and containment.

3. Avoid overtaking the suspect when alone

When acting alone and when practicable, the initiating employee should not attempt to overtake and confront the suspect, but should attempt to keep the suspect in sight until a sufficient number of employees are present to safely apprehend the suspect.

4. Communication

Early communication of available information is essential.

a. Employees engaging in a Foot Pursuit must initiate a radio broadcast within the first few seconds to ensure that adequate resources are coordinated and deployed to assist and manage the pursuit to a safe conclusion.

   i. The broadcast shall contain the following information, at minimum:

      aa. Location and direction of travel.

      ab. Unit identifier/call sign.

      ac. Reason for the Foot Pursuit, such as the crime incident type.

      ad. Number of suspects and physical descriptions, to include name if known.

      ae. Whether the suspect is known or believed to be armed with a dangerous weapon.

   ii. Absent exigent circumstances, any employee unable to promptly and effectively broadcast this information should terminate the Foot Pursuit.

b. Employees should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

c. Whenever any employee announces that they are engaged in a Foot Pursuit, all other employees should minimize non-essential radio traffic to provide the involved employees with maximum access to radio communications.

5. Partner splitting

a. Partners should try not to separate and should remain in sight of each other and maintain communications.
b. Partner Splitting should be used only when absolutely necessary to protect the public or employees from imminent harm, because it is dangerous to employees and the public.

i. Partner splitting can compromise the safety of employees who lose their ability to assist or effectively communicate with each other.

ii. It also increases the risk that the employees or innocent civilians will be caught in cross-fire.

6. Assisting employees

a. Assisting employees shall respond in a safe manner, and take an active role in the apprehension of the suspect by assisting the initiating employee.

b. Assisting employees should allow the primary employee to concentrate on the suspect's actions while the second employee provides back up and maintains contact with police radio and other responding employees.

7. Discontinued 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.

8. Terminating a Foot Pursuit

a. When a Foot Pursuit terminates, employees shall not use more force than is necessary to arrest the suspect.

b. When a Foot Pursuit terminates, the employee shall notify the dispatcher of their location and the disposition of the Foot Pursuit termination (e.g., suspect in custody, lost sight of suspect).

c. The employee shall direct further actions as reasonably appear necessary, to include requesting needed medical aid for employees, suspects, or other persons.

D. Supervisor Responsibilities

1. Assume command

a. 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.

b. Foot Pursuits are often difficult to supervise due to their short duration and the difficulty employees may have speaking to the supervisor on the radio while running.
Supervisors shall make a good faith effort to supervise under these challenging circumstances.

2. Respond to the area during the pursuit
   a. Supervisors shall respond to the area whenever possible.
   b. The supervisor does not, however, need to be physically present to exercise control over the Foot Pursuit. The supervisor shall continuously assess the situation to ensure the Foot Pursuit is conducted within established Department guidelines.

3. Terminate the Foot Pursuit

Supervisors shall terminate the Foot Pursuit when:
   a. It reasonably appears either that the pursuit lacks a lawful purpose or is unsupported by Reasonable Suspicion (e.g., cases of mistaken identity where actual suspect has been apprehended elsewhere).
   b. The danger to pursuing employees or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.
   c. The pursuit is otherwise not in compliance with this policy.

4. Respond after suspect apprehension
   a. Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination location to direct the post-Foot Pursuit activity.
   b. Upon arriving at the scene, the supervisor shall check for any injuries to victims, bystanders, employees, and suspects. All injuries shall be documented.
   c. If force was used requiring notification (P&P 5-303), or misconduct is apparent or alleged (P&P 2-101), the supervisor shall initiate the required investigation.
   d. The supervisor shall review the incident with responding employees for any issues regarding tactics or performance improvement. The supervisor shall review:
      i. BWC footage of the incident from the initiating employee and other responding employees.
      ii. Any written reports that were generated from the event.
      iii. Any other information available regarding the incident.
   e. The supervisor shall evaluate whether the Foot Pursuit was in compliance with this policy. The supervisor shall assess:
i. Whether opportunities for de-escalation or prevention of flight were missed and what tactics may have been useful.

ii. Whether, during the pursuit, any tactics used could have been improved.

iii. Whether any missteps were made, and if so, how those can be addressed or avoided in the future (e.g., through further training, mentorship, or shadowing).

E. Dispatch Communication

Upon notification or becoming aware that a Foot Pursuit is in progress, the dispatcher will:

1. Clear the radio channel of non-emergency traffic.

2. Coordinate pursuit communications of the involved employees.

3. Request air support.

4. Broadcast pursuit updates as well as other pertinent information as necessary.

5. Ensure that a precinct supervisor is notified of the Foot Pursuit.

6. Notify and coordinate with other involved or affected agencies as necessary and practicable.

7. Notify the precinct Lieutenant as soon as practicable.

F. Reporting Requirements

Employees shall document in the Police Report the following details surrounding the Foot Pursuit:

1. Reasonable Suspicion or Probable Cause for any offenses.

2. Reasonable Suspicion for initiating the Foot Pursuit and any other circumstances surrounding the Foot Pursuit.

3. The course and approximate distance of the Foot Pursuit.

4. Any involved vehicles and employees.

5. Any use of force.

6. Any injuries or medical treatment given or requested by any employee, bystander or suspect related to the pursuit.

7. Any property or equipment damage related to the pursuit.
A. DNA Collection from Juveniles

1. Secure search warrant
   a. Search warrants shall be secured for DNA collection from the person of juvenile suspects or arrestees, whenever feasible.
   b. The officer who executes a search warrant for DNA collection from the person of a juvenile suspect or arrestee shall ensure a reasonable attempt is made to notify the parent or legal guardian immediately after executing of the warrant.
      i. The notification may be made by telephone, in person, or by going to the juvenile's home.
   c. Consent for a DNA collection shall only be sought for suspects in exigent circumstances.

2. Consent for DNA collection

   Consent for DNA collection from the person of any juvenile suspect or arrestee, shall adhere to the following requirements.

   a. Adult consent required
      i. A juvenile suspect or arrested person cannot waive their rights and consent to a DNA collection from their person without first being allowed to engage in a meaningful consultation with an attorney or an informed parent or guardian.
      ii. Any collection of DNA from the person of a juvenile suspect or arrested person via consent shall require consent from both the juvenile and the adult.
   b. No subterfuge

      Collecting or directing the collection of DNA from juveniles through subterfuge is prohibited. This includes offering a juvenile a beverage to collect the juvenile’s DNA from the beverage container, even if only in part.
c. Documenting consent

i. Consent from both parties shall be recorded on body worn camera, when applicable (in accordance with P&P 4-223). If body worn camera recording is not applicable, the consent shall be audio recorded.

ii. Consent from both parties shall be documented in the Police Report.

B. Search of a Premises with Parental Permission

1. A parent/legal guardian may give consent to the search of a room and personal belongings of a minor child living in the home.

2. If the child has an expectation of privacy (because the child is an adult, is paying rent, or for another reason), the parent may not be able to consent to a search of the child’s room.

C. Juveniles on Direct Supervised Probation

1. Juveniles on direct supervised probation have a signed agreement in accordance with terms of their probation authorizing their probation officer(s) to perform a warrantless search of the juvenile’s person and the area under the juvenile’s immediate control at any time.

2. Being in the presence of a Juvenile Probation officer does not provide the same authority to an MPD officer.

3. MPD officers shall not use probation officers as their agent to perform warrantless searches.

D. Searches of School Lockers

1. Lockers may be inspected or searched by school authorities without a search warrant. School authorities may request to have a law enforcement officer present during the search.

2. If a police officer believes it is necessary to search a locker, authorization from the school principal or a warrant signed by a judge shall be obtained.

E. Strip Searches of Juveniles

The strip search of any juvenile shall be done in accordance with P&P 9-201 Search and Seizure.
F. Taking Custody of a Juvenile not Under Arrest

1. Curfew and truancy violations

Curfew and truancy violations shall be handled in accordance with P&P 8-200.

2. Statutory limits on taking custody

MN Statute section 260C.175 Subd. 1 states: “No child may be taken into immediate custody except:

(1) with an order issued by the court in accordance with the provisions of section 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance with the provisions of section 260C.154;

(2) by a peace officer:

   (i) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian, but only for the purpose of transporting the child home, to the home of a relative, or to another safe place, which may include a shelter care facility; or

   (ii) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922;

(3) by a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision; or

(4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.”

Note: there are no exceptions for these limits.

3. Protective pat-down searches

When taking custody of a juvenile (child) for a curfew or truancy violation or for one of the other reasons specified in MN Statute section 260C.175 Subd. 1, the following provisions apply (MN Statute section 260C.175 Subd. 3):

a. “Officers may perform a protective pat-down search of the child in order to protect the officer's safety.
b. A peace officer also may perform a protective pat-down search of a child in order to protect the officer's safety in circumstances where the officer does not intend to take the child into custody, if this section authorizes the officer to take the child into custody.

c. Evidence discovered in the course of a lawful search under this section is admissible.”

**G. Handcuffing, Searching and Transportation of Juveniles in Other Cases**

In situations not described in this policy, juveniles shall be handcuffed, searched and transported under the same rules and procedures as adults.
9-201 Stops, Contacts and Weapons Pat-Downs

(XX/XX/23)

Revisions to prior policies: (06/24/88) (02/01/20) (10/08/21)

I. Purpose

The purpose of this section is to provide employees with legal guidance in order to conduct lawful contacts and detentions.

II. Definitions

Boilerplate Language: Words or phrases that are standardized, “canned” or patterned and that do not describe a specific event, situation or set of circumstances (e.g., “furtive movement” or “fighting stance”). The use of boilerplate language alone is restricted or prohibited, as described in policy.

Legal Standards:

Reasonable Suspicion: An objective legal standard that is less than Probable Cause but more than a hunch or general suspicion.

1. Reasonable Suspicion, which must be articulable, depends on all of the circumstances which the employee observes and the reasonable assumptions that are drawn based on the employee's training and experience.

2. Reasonable Suspicion can result from a combination of particular facts, which may appear harmless in and of themselves, but taken together amount to Reasonable Suspicion.

   a. Reasonable Suspicion should be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation in regard to the person, as either witnessed or known by the employee.

   b. Accordingly, Reasonable Suspicion must be described with reference to facts or observations about a particular person’s actions or the particular circumstances that an employee encounters.

   c. In accordance with P&P 5-104, the physical characteristics of a person are never, by themselves, sufficient. Instead, employees may take into account the reported
descriptors in P&P 5-104 of a specific suspect or suspects using credible, reliable, recent, locally-based information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals, and when the description also includes other appropriate non-demographic identifying factors (such as clothing or an associated vehicle).

**Probable Cause:** Where facts and circumstances taken as a whole, known to the employee at the time of the arrest, would lead a reasonable employee to believe that a particular person has committed or is committing a crime. As with Reasonable Suspicion, Probable Cause is based upon an objective assessment of the facts and circumstances presented to or known by the employee.

**Types of Contacts:**

**Detention:** If a reasonable person under the circumstances would believe they are not free to leave, a “detention” has occurred. This includes, Arrests, Investigative Stops and Vehicle Stops.

**Arrest:** The taking, seizing or detaining of a person by any act that indicates an intention to take the person into custody by an employee, and that subjects the person to the actual control and will of the employee making the arrest.

1. An arrest is effected when:
   a. The arrestee is physically restrained
      Or
   b. When the arrestee is told of the arrest and submits.

2. In addition, a person is seized within the meaning of the Fourth Amendment when, “In view of all the circumstances surrounding the incident, a reasonable person would have believed that they were not free to leave.”

3. An arrest requires Probable Cause that a crime was committed or is being committed.

**Investigative Stop:** An Investigative Stop is the temporary involuntary detention and questioning of a person where the person was stopped based on Reasonable Suspicion that the person is committing, is about to commit, or has committed a crime, petty misdemeanor or traffic offense.

1. An Investigative Stop occurs whenever an employee uses words or takes actions to:
   - Make a person halt.
   - Keep a person in a certain place.
   - Compel a person to perform some act.
2. If a reasonable person under the circumstances would believe that they are not free to leave, a “stop” has occurred.

**Pretext Stop:** A term for stopping a person for an infraction to investigate other suspected or possible criminal activity for which the employee has neither Reasonable Suspicion nor Probable Cause.

**Vehicle Stop:** The involuntary detention of a vehicle and the driver or the occupants of the vehicle.

- **Vehicle Stop- Criminal Investigation:** Stopping a vehicle based on Reasonable Suspicion that the driver or occupants are committing, are about to commit, or have committed a crime.
- **Vehicle Stop- Traffic Violation:** Stopping a vehicle for a traffic violation for which the employee has Probable Cause to believe occurred.

**Voluntary Contact:** A consensual and non-investigative encounter between an employee and a person or people, with the intent of engaging in a casual or non-investigative conversation (e.g., chatting with a local business owner or resident). The person is free to leave or decline any request by the employee at any point.

**Field Interview:** A consensual, non-hostile Voluntary Contact during which an employee may ask questions or try to gain information about possible criminal activity without indicating or implying that a person is not free to leave or is obligated to answer the employee’s questions.

**Weapons Pat-Down:** Also known as a “frisk” or “Terry Frisk,” a Weapons Pat-Down is a brief, non-probing running of the hands over the outside of a person's clothing, feeling for a weapon with an open palm.

1. A Weapons Pat-Down is authorized when the employee has Reasonable Suspicion that the person is armed and presently dangerous, and the pat-down is designed to ensure the safety of employees and others while an employee is conducting an investigation.

2. This can include situations in which the employee reasonably suspects that the person has committed, is committing, or is about to commit a violent crime or when the employee observes something on the person that they reasonably suspect is a weapon.

3. A Weapons Pat-Down may not be conducted to discover evidence or the proceeds or instrumentalities of a crime. An employee cannot "pat-down" a bag or item of personal property unless the employee has Reasonable Suspicion that the person is armed and the bag or item could contain a weapon and is within the person's reach.

**Search:** Sometimes called a “full search,” a Search is an inspection, examination or viewing of people, places, or items in which a person has a legitimate expectation of privacy.
1. A Search need not be visual; it may include grasping, prying into or manipulating persons or objects (e.g., reaching into a purse or pocket, feeling inside of the trunk of a car; physical manipulation of a duffel bag, etc.).

2. In some circumstances, a dog sniff may constitute a Search as well (see P&P 7-807 Authorized Use of Canines).

3. Collecting someone’s DNA from their person is a Search.

4. A Search may not involve a physical search: it could include searching of certain types of records or information.

III. Policy

A. Constitutional Stops

Minneapolis Police Department employees shall conduct stops only in accordance with all MPD policies and all the rights given to people under the United States Constitution and the Minnesota State Constitution.

B. Distinct and Separate Actions

1. Voluntary Contacts, Field Interviews, Investigative Stops, Vehicle Stops, Weapons Pat-Downs, Searches, and Arrests are distinct and separate actions, and each is governed by different legal and policy standards depending on the action.

2. Investigative Stops and Voluntary Contacts between the police and the community do not automatically justify a Weapons Pat-Down or a Search.

3. The nature of an interaction may change due to the employee’s actions during the interaction.

C. Non-Discriminatory Policing

In accordance with P&P 5-104, employees are prohibited from considering any of the classes or descriptors in P&P 5-104 as a factor when establishing Reasonable Suspicion or Probable Cause, except that:

1. Employees may take into account the reported descriptors in P&P 5-104 of a specific suspect or suspects using credible, reliable, recent, locally-based information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals, and when the description also includes other appropriate non-demographic identifying factors (such as clothing or an associated vehicle).

D. Procedural Justice and Professional Policing

1. Employees shall use procedural justice principles during contacts and while effectuating Searches, by treating all people with dignity and giving them voice and respect, being
neutral in their decision making, and working to build trust. Employees shall apply the “LEED” model: Listen, Explain, Equity and Dignity.

2. Employees shall practice professional policing, in accordance with P&P 5-104.

3. Such conduct has the potential for building community trust and confidence in the police, and increasing the community’s willingness to cooperate with police to advance shared public safety goals.

E. Knowledge of Policy

As with other policies, MPD employees shall be responsible for understanding and performing assigned duties in accordance with the MPD’s Search and Seizure policies (P&P 9-200).

IV. Procedures/Regulations

A. Voluntary Contacts

1. Professional manner

   Voluntary Contacts, like all other community contacts, shall be conducted in a friendly, professional manner.

2. Documentation and BWC not required

   Voluntary Contacts do not require any written documentation or Body-Worn Camera (BWC) recording.

3. Conversion to Field Interview

   If the employee seeks information about a suspected crime, the Voluntary Contact becomes a Field Interview.

B. Field Interviews

Although these contacts do not rise to the level of a stop or arrest, community members may interpret them as inherently coercive because they are conducted by law enforcement.

1. Legitimate purposes

   a. An employee may initiate Field Interviews for legitimate law enforcement purposes.

   b. Employees shall not take action intended to create Reasonable Suspicion without previous particularized facts to justify action (such as “jump outs”).

   c. Employees shall not target treatment facilities and prior arrestees for drug possession, based solely on knowledge of drug addiction.
2. Person is free to leave
   
a. The person is free to end the Field Interview at any time and refuse to answer the employee’s questions.
   
i. Employees shall inform the person that they do not have to respond to questions and are free to leave.
   
ii. Employees shall reply in the affirmative if asked by the person whether they are free to leave or may decline to answer questions.
   
iii. Employees shall use words, tone, and actions that would inform a reasonable person encounter and responses are voluntary, such as using a non-coercive tone of voice, asking questions, and refraining from giving orders.
   
iv. If a person refuses to answer questions during a Field Interview, they must be permitted to leave.
   
b. A person’s failure to stop, refusal to answer questions, decision to end the encounter, or decision to walk or run away, cannot be used as the basis for establishing Reasonable Suspicion, or to extend the encounter or further intrude on the person through an Investigative Stop, Weapons Pat-Down, Search, or Arrest of the person.
   
c. Because a person is free to end the Field Interview at any time and to refuse to answer the employee’s questions, employees shall not engage in conduct that would lead a reasonable person to believe they must comply, provide identification, or respond.
   
i. Field Interviews shall not be conducted in a hostile or aggressive manner, or as a means of harassing any person or attempting to coerce a person to do anything (e.g., leave the area, etc.).
   
ii. Employees shall refrain from using words or actions that tend to communicate that the person is not free to leave or that they must answer questions (e.g., blocking path of person’s vehicle, placing hands on shoulder, holding a person’s property).
   
3. Introduce employee
   
Before asking any questions, employees shall introduce themselves by name and rank unless exigent circumstances require gathering information immediately.

4. Explain the purpose
   
As soon as possible, after the employee has introduced themselves and informed the person that they are free to leave, the employee shall explain the purpose of the encounter.
5. Identification of the person
   a. If asking a person to identify themselves, employees shall inform the person that providing identification is voluntary.
   b. People are not required to carry any means of identification, nor are persons required to identify themselves or account for their presence in a public place.

6. BWC required
   In accordance with P&P 4-223, BWC activation is required for Field Interviews.

7. Initiate a call for service
   In accordance with P&P 7-103, a call for service shall be initiated for a Field Interview.

8. Duration
   The duration of the Field Interview should be as brief as possible. The success or failure of a meaningful Field Interview rests on the employee’s ability to put the person at ease and establish a rapport.

C. Investigative Stops

1. Reasonable Suspicion required
   Reasonable Suspicion is required for all Investigative Stops. The following subcategories are factors in establishing Reasonable Suspicion:
   a. Articulable facts
      i. The employee must possess specific and articulable facts which, combined with rational assumptions from these facts, reasonably warrant a belief that the person is committing, is about to commit, or has committed a crime, petty misdemeanor or traffic offense.
      ii. One factor alone is typically not sufficient to establish Reasonable Suspicion and circumstances will vary in each case.
      iii. An anonymous tip must be sufficiently detailed, and all facts and circumstances must indicate the tip’s reliability to give rise to Reasonable Suspicion.
         aa. The mere allegation that a person is carrying a gun is not sufficient.
         ab. Neither is a very general description based on race and clothing.
b. Location

Employees shall not make an Investigative Stop based **solely** on a person’s presence in a location known for criminal activity.

i. In order to be used as a fact that helps to establish Reasonable Suspicion, a location known for a certain type of criminal activity must be a specific location (e.g., an address, a specific business location, a specific corner, a specific block or blocks, a park, etc.) and must not be a general location (e.g., a district, or an entire neighborhood for a crime that is location-specific (for example, CDS distribution).

ii. Employees shall avoid broad, boilerplate phrases such as “high crime area” when articulating Reasonable Suspicion.

iii. An employee may use the fact that a location is known for a particular type of criminal activity as one fact **among multiple facts** that, in combination, establish Reasonable Suspicion. To conclude that the type of criminal activity in a specific location contributes to establishing Reasonable Suspicion, the employee should be able to articulate how the nature of the criminal activity in that location, its frequency, and its recency are relevant to the suspected crime.

- For example, the fact that drug dealing is known to occur on a specific corner at a particular time of day within the past two weeks could be one fact that, when considered together with other facts, establishes Reasonable Suspicion that two people exchanging money on that corner at that time of day are engaged in a drug transaction.
- By contrast, the fact that there has been a recent rash of nighttime, forced rear window burglaries in a particular area does not help to establish Reasonable Suspicion that a person flagging down cars in that area during the daytime is a burglar.

c. Proximity to crime scene

Employees shall not make an Investigative Stop based **solely** on a person’s proximity to the scene of a reported or suspected crime.

i. Employees may use a person’s proximity to the scene of a specific reported or suspected crime as a fact in formulating Reasonable Suspicion that the person committed that specific crime, but must explain how close the person was to the scene and why it was reasonable to believe the person was involved in the reported or suspected crime based on their proximity to the scene. Facts to consider include: how long ago the crime was committed and whether a person could have travelled that distance in that time, whether the employee observes the person taking actions that are consistent with someone who just committed that crime, whether the person matches any witness’s descriptions or observations of the incident, etc.
ii. This does not prohibit an employee from “freezing” a crime scene in accordance with P&P 10-100.

d. Presence in company of others

Employees shall not make an Investigative Stop based solely on the person’s presence in the company of others suspected of criminal activity. The employee must have additional reasonable articulable facts that the person is engaged, has been engaged, or is about to be engaged in criminal activity.

e. Response to police presence

i. Employees shall not make an Investigative Stop based solely on a person’s response to the presence of police, including a person’s attempt to avoid contact with an employee (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with police for many reasons other than involvement in criminal activity.

ii. Employees shall not intentionally provoke or attempt to provoke flight to justify an Investigate Stop or a Foot Pursuit.

- For example, an employee may not drive at a high rate of speed toward a group congregated on a corner, aggressively brake, and exit quickly with the intention of stopping anyone in the group who flees.

f. False information

Employees shall not rely on information known at the time of reliance to be materially false or incorrect in establishing Reasonable Suspicion or Probable Cause.

2. BWC required

a. In accordance with P&P 4-223, BWC activation is required for Investigative Stops.

b. If activation was not already required, BWCs shall be activated as soon as the employee observes activity on which they base their Reasonable Suspicion.

c. When feasible, employees shall state the basis for the stop on their BWC upon initiating a stop.

3. Notify dispatch

Employees shall notify MECC, including the location of the stop, the number of persons being stopped and whether additional units are needed, and when safe to do so, a brief basis for the stop.
4. Backup

Employees shall determine whether the circumstances warrant a request for backup assistance and whether the Investigative Stop can and should be delayed until such backup arrives.

5. Length of detention

a. An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the detention.

b. The investigative detention shall not involve delay unnecessary to the legitimate investigation of the employees.

c. An investigative detention may turn into an arrest if it lasts for an unreasonably long time.

6. Scope of stop

The scope of the stop must be tied to the basis for it.

a. Limit to relevant questions

Employees shall limit questions to those relevant and necessary to resolve the employee’s suspicions.

b. Conversion to arrest

Actions that would indicate to a reasonable person that they are being arrested or indefinitely detained may convert an Investigative Stop into an arrest, which would require Probable Cause or an arrest warrant.

These actions may include displays of weapons, handcuffing the person, other shows of force or uses of force, etc.

c. Further actions

Unless justified by the Reasonable Suspicion for the original stop, employees must have additional articulable justification or for some actions, Probable Cause, for further limiting a person’s freedom during an Investigative Stop by doing any of the following:

i. Taking a person’s identification or driver’s license away from the immediate vicinity.

ii. Ordering a driver or occupant motorist to exit a vehicle.
iii. Directing a person to stand (or remain standing), or to sit any place not of their choosing.

iv. Directing a person to lie or sit on the ground.

v. Applying handcuffs.

vi. Transporting a person any distance away from the scene of the initial stop (including for the purpose of witness identification).

vii. Placing a person into a police vehicle.

viii. Pointing a firearm.

ix. Performing a Weapons Pat-Down.

x. Any use of force.

7. Introduce employee

a. Before asking any questions, employees shall introduce themselves by name and rank unless exigent circumstances require gathering information immediately.

b. Upon request, employees conducting a stop shall provide their business card or similarly accessible identification, which must include their first name, last name and badge number, to any member of the public.

8. Inform person of stop

Employees shall inform the person stopped that they are not free to leave, and shall explain the reason for the stop if safe and practicable to do so.

9. Transport

a. Employees shall not transport a person who is the subject of an Investigative Stop to another location (including a precinct) for fingerprinting, questioning, or other investigatory purpose, unless:

i. The employee has probable cause to make an arrest of the person.

ii. The person requests to speak with employees in a different location and is transported for questioning.

iii. For the safety of the employee or the person who was stopped for questioning.

b. If a person will be transported, employees shall transport the person no farther than necessary, to minimize the duration and intrusiveness of the stop.
c. Where a transport is requested or necessary, employees shall notify a supervisor of the request or the intent to transport.

d. Where a transport is requested or necessary, employees shall document the transport in the Police Report and via body worn camera.

10. Release of the person

a. No continuing justification

Employees shall immediately release a person from an Investigative Stop if the employee no longer has Reasonable Suspicion that the person is committing, is about to commit, or has committed a crime, and the employee has not developed Probable Cause to arrest within a reasonable time.

This may occur when, upon stopping the person, the employee learns that the person is not a specific suspect being sought or that the person’s actions or behaviors are justified and do not indicate a violation of law.

b. Explain reasons

If releasing a person from an Investigative Stop, the employee shall explain the reason for the Investigative Stop and the reason for the release.

c. Provide record of the stop

When employees complete an Investigatory Stop that does not result in a citation or arrest, the employee shall provide a card to the individual or individuals involved in the interaction with the employee’s first and last name, and the case control number that corresponds to the police interaction and corresponds to the underlying documentation that may exist.

d. Transport back to initial location

If the person was taken to another location, provide return transportation to the scene of the initial stop. If the conditions at the original scene are dangerous for the employee or the person, the person should be returned as close as possible to the location.

11. Weapons Pat-Downs

a. Justification

i. For a Weapons Pat-Down, an employee must have specific and articulable facts, combined with rational assumptions from these facts, that the person is armed, and the pat-down must be designed to ensure the safety of the employee and others while the employee is conducting a legitimate investigation. Employees should consider the following factors:
aa. The type of crime suspected, particularly when it is a crime of violence where the use or threat of deadly weapons is involved.

ab. The hour of the day and the location where the stop takes place.

ac. The number of employees present at the time of the stop.

ad. Prior knowledge from dispatch or another source, that indicates the person may be armed and dangerous.

ae. Visual indications that suggest the person is carrying a firearm or other deadly weapon, such as a bulge under the person’s clothing, although employees shall be mindful that most people carry mobile phones, wallets, or other personal items in their pockets and a bulge could indicate such personal items.

af. Whether the person is engaging in erratic, suspicious or nervous behavior.

ag. Whether the person is acting in a threatening manner or refusing to cooperate, comply or follow instructions.

ii. Employees are prohibited from automatically engaging in a Weapons Pat-Down during an Investigative Stop for “officer safety.”

iii. Weapons Pat-Downs shall not be used to conduct full Searches designed to produce evidence or other incriminating material. See the section below for more information on the Plain Feel exception.

iv. Employees shall not request the consent of a person to conduct a Weapons Pat-Down.

b. Distinct actions

An Investigative Stop and a Weapons Pat-Down are two distinct actions, and both require independent Reasonable Suspicion (e.g., to stop a person there must be Reasonable Suspicion of criminal activity, but to stop a person and perform a Weapons Pat-Down there must be Reasonable Suspicion of criminal activity for the Investigative Stop and Reasonable Suspicion that the person is armed and presently dangerous for the Weapons Pat-Down).

c. Two employees

Whenever possible, Weapons Pat-Downs should be conducted by at least two employees, including one who performs the Weapons Pat-Down and another who provides protective cover.
d. Gender identity preference
   i. Absent exigent circumstances, when conducting a Weapons Pat-Down, employees shall honor the person’s preference about the gender identity of the employee conducting the search.

   ii. In the absence of a stated preference, the gender identity of the employee conducting the search shall be consistent with the gender identity of the person being searched.

e. Outer clothing only

Employees are permitted only to pat the outer clothing of the person.

   i. Employees shall not place their hands in pockets or reach into an article of clothing unless the employee feels an object they reasonably believe is a weapon, such as a firearm, knife, club, or other item, that could be used to harm the employee or others.

   ii. The employee may not manipulate an object underneath clothing in an effort to determine the nature of the object.

f. Other objects being carried

Employees shall not open an object that a person is carrying, such as a handbag, suitcase, briefcase, sack, or other object that may conceal a weapon. Instead, the employee should place it out of the person’s reach.

   i. The employee may not manipulate the exterior or search the interior of the object the person is carrying.

   ii. If the employee reasonably suspects that harm may result if the unsearched object is returned to the person, the employee may briefly feel the exterior of the object in order to determine if the object contains a weapon or other dangerous item.

g. Suspected weapon felt

   i. If, during a Weapons Pat-Down, the employee feels an item which is the shape and size of a weapon that could be used to harm the employee or others, the employee may reach into or disturb the article of clothing and remove the item.

   ii. If the person stopped is arrested because a weapon was found, a Search Incident to Arrest may be conducted in accordance P&P 9-202.

h. Plain Feel

If, during a permissible Weapons Pat-Down, or during the process of removing a suspected weapon found during a permissible Weapons Pat-Down, the employee
discovers other items which are immediately apparent to be contraband or evidence of a crime, the employee may lawfully seize those items, and the items may be considered when establishing Probable Cause to make an Arrest or to conduct a Search of the person.

i. Release of the person

If the person stopped is to be released because no weapon was found, and there is no Probable Cause for an Arrest, the employee shall immediately release the person in accordance with the related sections under Investigative Stops.

12. Documenting the stop

a. No boilerplate language

i. Employees shall not use boilerplate language alone when describing the basis for an Investigative Stop.

ii. Employees shall use specific and descriptive language individualized to the person stopped and the circumstances of the stop to describe the basis of the contact. The amount of detail required depends on the complexity of the encounter.

b. Report required

Following an Investigative Stop, the employee shall complete a Police Report, and shall include the following information:

i. A detailed description of the circumstances that led to the Investigative Stop, including the facts that established Reasonable Suspicion for the stop (prior to the stop being made).

ii. Approximate duration of the stop.

iii. A complete description of the person, including height, weight, hair color, eye color, skin tone, identifying features (e.g., tattoos, scars, etc.), clothing type and color, and any other notable features or descriptors relevant to Reasonable Suspicion.

iv. The location of the stop, including the address or nearest intersection.

v. The outcome of the stop, including whether a citation was issued, an Arrest was made, a warning was issued, or the person was released due to the lack of continuing Reasonable Suspicion.

vi. Whether a Weapons Pat-Down was done, and if so, the facts establishing Reasonable Suspicion that the person was armed and that the pat-down was necessary, and whether the Pat-Down detected anything.
vii. Whether a Search was conducted based on Probable Cause, and if so, the facts establishing Probable Cause for the Search.

viii. Whether a Search returned any unlawful weapons, narcotics, or other contraband, and the nature of the contraband.

ix. Whether the Investigative Stop began as a Voluntary Contact or Field Interview.

x. Whether the person was moved from the initial stop location, and if so, where they were taken to, and why they were moved from the stop location.

xi. If the employee receives information during the call or the facts that the employee observes indicate that a person has or is experiencing behavioral health disabilities.

c. Clear form

Employees shall document the following information in the Clear Call Disposition/Comments screen of their MDC:

i. The specific facts and circumstances that established the Reasonable Suspicion or Probable Cause basis for the stop.

ii. The categorized cause of the stop (Reason).

iii. The location of the stop.

iv. The assumed race of the person prior to the stop being made, based on information known to or provided to the employee.

v. The actual or perceived race of the person stopped.

vi. The age of the person stopped.

vii. The gender of the people stopped suspicious person.

viii. Whether a Weapons Pat-Down or Search was done, and if so, the type and the facts establishing the required Reasonable Suspicion or Probable Cause.

D. Consent Searches Prohibited During Stops

In accordance with P&P 9-202, employees shall not conduct a Search based on consent during a pedestrian or vehicle stop. Employees may only conduct a Search during a pedestrian or vehicle stop if there is a basis for the Search other than consent.
E. Vehicle Stops

In addition to the other requirements for Investigative Stops, the following additional requirements specific to Stops involving vehicles apply:

1. Limitation regarding questioning passengers

   While employees may professionally greet passengers in a vehicle, employees shall not question or require identification from passengers during a vehicle Stop for a traffic violation or violations unless:

   a. The employee has Reasonable Suspicion or Probable Cause regarding the passenger.

   b. The employee has a basis to believe that the passenger is being trafficked, experiencing domestic violence, is at risk from the driver or another person in the vehicle, or otherwise appears to require immediate medical assistance.

   c. The employee is ascertaining if the passenger is willing and able to drive the vehicle away to avoid impounding the vehicle.

2. Vehicle Stops limited for certain types

   a. Prohibited offenses

      Employees shall not initiate a traffic stop when the only offenses are those listed below unless it is a commercial vehicle:

      i. Failure to display registration tabs.

      ii. Driving with expired registration tabs.

      iii. Failure to illuminate license plate.

      iv. Rim or frame obscuring license plate, except for the plate letters and numbers.

      v. Driving with only one functioning and visible headlight, brake light, or taillight.

      vi. Driving with only one functional sideview mirror present.

      vii. Driving without a rearview mirror, with the rearview mirror obstructed, or with an item dangling from the rearview mirror.

      viii. Driving without working windshield wipers.

      ix. Failure to signal a lane change or a turn, unless the driver is operating a vehicle in an unsafe manner or creating an imminent safety hazard.

      x. Cracked windshield unless it substantially obscures the driver’s view.
xi. Window tint does not comply with Minnesota law, unless it creates an imminent hazard to safety.

b. Mail a notice

Employees may mail a notice of repair issues to a vehicle owner when the only offenses are in the prohibited list.

c. Unsafe operation

Employees may lawfully stop or detain a driver for operating a vehicle in an unsafe manner or creating an imminent hazard to safety, even if they are engaged in one or more of the prohibited offenses.

i. The employee shall document on their body worn camera (BWC) and in the Police Report the unsafe operation or imminent safety hazard.

ii. Simply because a driver is engaging in one or more of the prohibited offenses does not necessarily mean that they are operating the vehicle in an unsafe manner or creating an imminent hazard to safety. The employee must determine if the driver is operating the vehicle unsafely or creating an imminent safety hazard based on the totality of the circumstances.

3. Issuing a Lights On! Coupon

All MPD employees conducting motor vehicle Stops for equipment violations shall issue a Lights On! Coupon in Lieu of traffic citations, when available and applicable. If a Coupon is issued, then the employee shall advise the driver or recipient of the location in which the repair can be made.

a. Applicable violations

Lights On! Coupons can be issued for the following equipment violations:

- Headlights.
- Turn signals.
- Rear lights.
- Rear license plate lights (subject to the conditions in section [c]).
- Parking lights.

b. Coupons not available

If Lights On! Coupons are not available, but the incident meets the Lights On! Criteria, the employee shall:

i. Advise the driver of the equipment violation,
ii. Provide a Blue Card (P&P 4-608) to the driver, and

iii. Advise the driver to bring the Blue Card to the nearest precinct to get a Lights On! Coupon.

c. Inoperable license plate light

i. Employees may not initiate a traffic Stop for an inoperable license plate light to provide the driver with a Lights On! Coupon or a Blue Card.

ii. If a vehicle with an inoperable license plate light is stopped for an independent, permissible reason, employees shall issue a Lights On! Coupon for the inoperable license plate light or a Blue Card if the coupon is not available, in lieu of a traffic citation.

d. MDC Clear-Form

Employees shall complete the coupon section of the MDC Clear Form by selecting Yes, No or Not Available.

e. Coupon supply

Lights On! Coupons will be stocked at each precinct.

i. If no coupons are available, employees shall request more coupons through their chain of command.

ii. The Chief’s office will coordinate delivery of additional coupons.

4. Other equipment violations

a. If the incident does not meet the criteria of the Lights On! Program, the employee shall advise the driver of any equipment violation, subject to the following exception:

i. The driver may be cited or charged by complaint in incidents where an equipment violation on a motor vehicle resulted in a motor vehicle crash or harm to another.

b. If the employee feels the equipment issue poses an unreasonable risk to public safety, the employee shall advise the driver to park the vehicle and get the issue resolved prior to driving the vehicle again. This does not permit employees to initiate a Stop for one of the prohibited offenses.

5. Non-equipment violations

a. This policy does not limit the ability of officers to arrest individuals who have committed a criminal offense or have any outstanding warrants.
b. If the incident involves a non-equipment violation, the officer shall still advise the driver of the equipment violation and issue a Lights On! Coupon when applicable, in addition to any other actions taken during or in relation to the stop.

6. Initiating a traffic Stop

When making a traffic law enforcement (TLE) Stop, the initiating squad shall:

a. Notify the dispatcher of the location of the stop and the license number of the vehicle being stopped and initiate a call for service in accordance with P&P 7-100 Communications.

b. Request a back-up unit or roll-by assist from the dispatcher, if one is needed or desired.

- It is no longer an MPD procedure to automatically start a roll-by or back-up to a TLE if the stop is made by a one officer (able) squad.

F. Supervisory Review of Stops

1. Supervisors shall review all Police Reports for Stops for completeness and adherence to MPD policy and law.

2. This review shall be completed within 72 hours of the Stop unless the review finds deficiencies and additional investigation, or corrective action is required.

3. The supervisor conducting the review shall document and report:

a. Stops that appear unsupported by Reasonable Suspicion, including circumstances where employees purport to justify the Stop based on information or evidence discovered after the stop was initiated, or that are otherwise in violation of MPD policy or law.

b. Stops or searches that, while comporting with law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics, or training.

c. Arrests that are unsupported by Probable Cause, or are otherwise in violation of MPD policy.

d. “Boilerplate” or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indications that the reports or forms may contain information that was not accurate at the time it was reported.

e. Lack of clarity with respect to the specific role and involvement of each MPD employee, including specifying which employee saw or heard information or engaged with or observed a person engaging in a particular manner or completing a particular activity.
4. If necessary to properly assess one of the required elements, the supervisor or Lieutenant shall review relevant body worn camera (BWC) video.

5. If necessary based on the review, the supervisor or Lieutenant shall make a referral to Internal Affairs.
Warrantless Searches
(07/01/11) (01/25/16) (06/29/16) (10/15/16) (06/28/17) (xx/xx/23)

I. Purpose

A. The purpose of this policy is to ensure that people’s privacy and dignity are preserved to the greatest extent possible.

B. This policy is intended to provide employees with legal guidance in order to conduct lawful searches and seizures.

II. Definitions

Boilerplate Language: Words or phrases that are standardized, “canned” or patterned and that do not describe a specific event, situation or set of circumstances (e.g., “furtive movement” or “fighting stance”). The use of boilerplate language is restricted or prohibited, as described in policy.

Legal Standards:

Reasonable Suspicion: An objective legal standard that is less than Probable Cause but more than a hunch or general suspicion.

1. Reasonable Suspicion, which must be articulable, depends on all of the circumstances which the employee observes and the reasonable assumptions that are drawn based on the employee's training and experience.

2. Reasonable Suspicion can result from a combination of particular facts, which may appear harmless in and of themselves, but taken together amount to Reasonable Suspicion.

   a. Reasonable Suspicion should be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation in regard to the person, as either witnessed or known by the employee.

   b. Accordingly, Reasonable Suspicion must be described with reference to facts or observations about a particular person’s actions or the particular circumstances that an employee encounters.
c. In accordance with P&P 5-104, the physical characteristics of a person are never, by themselves, sufficient. Instead, employees may take into account the reported descriptors in P&P 5-104 of a specific suspect or suspects using credible, reliable, recent, locally-based information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals, and when the description also includes other appropriate non-demographic identifying factors (such as clothing or an associated vehicle).

**Probable Cause:** Where facts and circumstances taken as a whole, known to the employee at the time of the arrest, would lead a reasonable employee to believe that a particular person has committed or is committing a crime. As with Reasonable Suspicion, Probable Cause is based upon an objective assessment of the facts and circumstances presented to or known by the employee.

**Search:** Sometimes called a “full search,” a Search is an inspection, examination or viewing of people, places, or items in which a person has a legitimate expectation of privacy.

1. A Search need not be visual; it may include grasping, prying into or manipulating persons or objects (e.g., reaching into a purse or pocket, feeling inside of the trunk of a car; physical manipulation of a duffel bag, etc.).

2. In some circumstances, a dog sniff may constitute a Search as well (see P&P 7-807 Authorized Use of Canines).

3. Collecting someone’s DNA from their person is a Search.

4. A Search might not involve a physical search: it could include searching of certain types of records or information.

**III. Policy**

**A. Constitutional Searches**

1. Minneapolis Police Department employees shall conduct searches in as minimally intrusive a manner as possible, and only in accordance with all MPD policies and all the rights given to people under the United States Constitution and the Minnesota State Constitution.

2. The U.S. Constitution generally requires law enforcement to obtain a Search Warrant prior to conducting a Search. There are, however, limited exceptions to the warrant requirement (see below).

3. Because case law regarding Searches is constantly changing and subject to interpretation by the courts, employees shall be alert to legal updates sent by MPD regarding Searches. When in doubt as to the existence or applicability of an exception to the Search Warrant requirement, employees should take the time to obtain a Search Warrant (P&P 9-301).
B. Entry into Residences and Non-Public Structures

Warrantless arrests in the home are generally disfavored as physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed to guard. The United States Supreme Court has long adhered to the view that the warrant procedure minimizes the danger of needless intrusions. Therefore, absent exigent circumstances, law enforcement must obtain a warrant before entering into a private residence or non-public building where there is a reasonable expectation of privacy to make an arrest or conduct a Search.

C. Exceptions to Warrant Requirement

Searches of people, vehicles and buildings may only be conducted without a warrant in a limited set of circumstances. The exceptions to the warrant requirement are briefly described below. The specific application of the exceptions to Searches of people, vehicles and buildings are described in the related sections under Procedures.

1. Probable Cause Search

   a. Search incident to arrest

      When an employee has Probable Cause to make an arrest for an applicable offense, has the authority to make an arrest, and has the intent to make an arrest, the employee may conduct a warrantless Search incident to arrest, which includes a Search of the person being arrested and the area in their immediate control. The exception for a Search incident to arrest only applies to felonies, gross misdemeanors, and misdemeanors with a Rule 6 reason.

   b. Plain view

      When objects are in the “plain view” of an employee who has the right to be in the position to have that view, and who has Probable Cause to believe that the items in plain view are contraband, the objects are subject to seizure without a warrant.

   c. Probable Cause Searches of vehicles

      Since operable vehicles are capable of movement, employees may conduct a warrantless Search if there is Probable Cause to believe the vehicle contains evidence of a crime or contraband. See the section on vehicle searches for more information on the limits of such searches.

2. Exigent circumstances

   A warrantless Search conducted due to exigent circumstances is valid only as long as the exigent circumstances last. When the exigency has ended, any further Search must be justified by a warrant or another exception to the warrant requirement.
a. Medical emergency/Life-saving

If an employee has a reasonable belief that there is an immediate need to protect the lives or safety of a person, they may conduct a warrantless Search if they conduct the search absent a motivation or desire to discover evidence or make an arrest, and they have a reasonable basis, approaching Probable Cause, to associate the emergency with the person or place to be searched.

b. Destruction of evidence

When employees have a reasonable belief that evidence of a felony is about to be removed or destroyed, employees may make a warrantless entry into a residence or non-public building where there is a reasonable expectation of privacy, to secure the premises and evidence and freeze the scene until a warrant is obtained.

c. Hot pursuit

Employees may enter a residence or non-public building where there is a reasonable expectation of privacy if they are in hot pursuit of a fleeing felony suspect.

3. Consent

If, during a situation that is not an Investigatory Stop of a person or vehicle, an employee has Reasonable Suspicion that a crime has been committed, and Reasonable Suspicion that the person is involved in the crime or possesses evidence of the crime or the place to be searched contains evidence of the crime, a person who has the authority to give consent may provide consent for a warrantless Search with an established scope and may revoke their consent at any point, subject to the prohibitions contained in the Procedures section.

4. Inventory

Inventory Searches are administrative in nature and are conducted to protect and account for the property of the arrested person or property in an impounded vehicle.

5. Weapons Pat-Downs

Also known as a “frisk” or “Terry Frisk,” a Weapons Pat-Down is a brief, non-probing running of the hands over the outside of a person's clothing, feeling for a weapon with an open palm. Weapons Pat-Downs shall be done in accordance with P&P 9-201.

6. Implied Consent screening and breath test

Any person who drives, operates, or is in physical control of a motor vehicle within Minnesota consents, subject to the provisions of MN Statute sections 169A.50 to 169A.53 (implied consent law), and section 169A.20 (driving while impaired), to a chemical test for the purpose of determining the presence of alcohol, a controlled
substance or its metabolite, or an intoxicating substance. (MN Statute section 169A.51 Subd. 1)

a. Preliminary screening test

When an officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated MN statute section 169A.20 (driving while impaired), MN Statute 169A.31 (alcohol-related school bus or Head Start bus driving), or MN Statute 169A.33 (underage drinking and driving), the officer may require the driver to provide a sample of the driver's breath for a preliminary screening test using a device approved by the commissioner for this purpose. (MN Statute section 169A.41 Subd. 1)

b. Chemical breath test

A chemical breath test may be required of a person when an officer has probable cause to believe the person was driving, operating or in physical control of a motor vehicle, while impaired (MN Statute section 169A.20), and one of the conditions specified in MN Statute section 169A.51 Subd. 1(b) exists.

D. Non-Discriminatory Policing

In accordance with P&P 5-104, employees are prohibited from considering any of the classes or descriptors in P&P 5-104 as a factor when establishing Reasonable Suspicion or Probable Cause, except that:

Employees may take into account the reported descriptors in P&P 5-104 of a specific suspect or suspects using credible, reliable, recent, locally-based information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals, and when the description also includes other appropriate non-demographic identifying factors (such as clothing or an associated vehicle).

E. Searches Based on the Smell of Cannabis (Marijuana)

1. Employees shall not conduct a Search of a person, a vehicle, contents of the vehicle, or people in a vehicle if the sole basis of the Search an employee smelling cannabis (marijuana).

2. This provision does not prevent employees from conducting a field sobriety test during a vehicle stop.

F. Gender and Searches

1. In accordance with P&P 7-3001, transgender, gender queer, and non-binary people shall not be subject to more invasive, humiliating, or demeaning frisk and search procedures than other people in the field or in police facilities.
2. For a Search employees shall, when feasible, ask transgender, gender queer, and non-binary people their preference with regard to the gender of the employee searching them. For example, “What gender officer would you prefer to search you?”

a. People’s preferences will be honored, when feasible.

b. A person may be identified as transgender, gender queer, or non-binary if the person informs the employee that they are transgender, gender queer, or non-binary, or if the employee has a reason to believe that the person may be transgender, gender queer, or non-binary based on gender expression or prior interactions.

G. Procedural Justice

1. Employees shall use procedural justice principles while effectuating Searches, by treating all people with dignity and giving them voice and respect, being neutral in their decision making, and working to build trust.

2. Such conduct has the potential for building community trust and confidence in the police, and increasing the community’s willingness to cooperate with police to advance shared public safety goals.

3. Employees shall explain to the person being Searched the reason for the Search and how the Search will be conducted.

H. Knowledge of Policy

1. As with other policies, MPD employees shall be responsible for understanding and performing assigned duties in accordance with the MPD’s Search and Seizure policies (P&P 9-200).

2. Case law regarding Searches is constantly changing and is subject to interpretation by the courts. When in doubt as to whether an exception to the warrant requirement applies, employees should take the time to obtain a warrant.

I. Search Justification

1. Probable Cause and Reasonable Suspicion

   Reasonable Suspicion and Probable Cause must be based on specific and objective articulable facts or observations about how a person behaves, what the person is seen or heard doing, and the specific circumstances or situation that are either witnessed or known by the employee.

   a. Physical characteristics or location

      i. The physical characteristics of a person, including generic clothing descriptions, are never, by themselves, sufficient.
ii. Instead, those characteristics must be combined with other factors, including a specific, non-general description matching the suspect or the observed behaviors of the person.

iii. When formulating Reasonable Suspicion or Probable Cause for a Search based on a person’s location or on the person’s race, ethnicity or other demographic category, employees must link a specific and detailed suspect description to a time and place that refers to a person with a particular demographic category.

b. Anonymous tips
   i. An anonymous tip must be sufficiently detailed, and all facts and circumstances must indicate the tip’s reliability to give rise to Reasonable Suspicion.
   
   ii. The mere allegation that a person is carrying a gun is not sufficient.

2. Scope of justification
   Employees shall not conduct a Search beyond the scope of the underlying justification for the Search. Any Search conducted past that point requires either a warrant or another exception to the Search Warrant requirement.

3. False information
   Employees shall not use or rely on information known to be materially false or incorrect to justify any type of Search.

4. Results from impermissible Search
   Items or contraband recovered from a Search which was not permissible under this policy shall not be used as justification for the Search.

5. Discoveries during an exigent circumstances Search
   Discoveries made during a warrantless Search under exigent circumstances may be used to establish Probable Cause for a warrant.

J. Body Worn Cameras (BWCs)
   In accordance with P&P 4-223, BWC activation is required for Searches.

K. Property Condition
   1. Employees shall conduct Searches with due regard and respect for private property interests and in a manner that minimizes damage.
   
   2. Employees shall leave property as close as reasonably possible to its pre-Search condition.
L. Recording Devices

Citizen’s recording devices and the data they contain shall be handled in accordance with P&P 9-203.

IV. Procedures/Regulations

A. Search Incident to Arrest

When an employee has Probable Cause to make an arrest for an applicable offense, has the authority to make an arrest, and has the intent to make an arrest, the employee may conduct a warrantless Search incident to arrest, which includes a Search of the person being arrested and the area in their immediate control. The exception for a Search incident to arrest only applies to felonies, gross misdemeanors, and misdemeanors with a Rule 6 reason.

1. Removal from area of control

Once the arrestee has been removed from the area and has been rendered incapable of gaining “immediate control” of items in that area, a warrantless Search incident to arrest may no longer be conducted of that area.

2. Searching the person

A Search incident to arrest shall include a weapons pat-down (P&P 7-201) and Search of the individual's pockets. It may also include Search of any articles of property found on the person, and the minor manipulation of clothing that does not expose a person’s groin or genital area, buttocks, female breasts, or more than the waistband or upper portions of the undergarments.

3. Vehicles

If an arrestee is an occupant or was recently an occupant of a vehicle, a limited Search of the passenger compartment of the vehicle (including glove box, center console or containers therein) may be conducted, if one of the following conditions applies:

- The arrestee is unsecured and within reaching distance of the passenger compartment at the time of the Search.
- There is Reasonable Suspicion that a Search of the passenger compartment will uncover evidence related to the crime for which the occupant was arrested.

4. Residences

a. When a person is arrested in a residence, employees may only Search the immediate area where the arrest occurred.

b. Employees may only Search other areas of the residence if one of the following conditions applies:
• They reasonably believe that employee safety is threatened.
• They reasonably believe that another person’s safety is threatened (such as a possible kidnapping).
• There is a reasonable chance the arrested person might escape or destroy evidence.

5. Personal items

Employees may only Search personal items such as wallets, backpacks, or other bags if the arrestee had them in their actual and exclusive possession at or immediately preceding the time of the arrest.

6. Cell phones

a. Employees shall not Search digital information on an arrestee’s cell phone or other device without the owner’s consent or a warrant.

b. If employees find abandoned cell phones or other electronic devices, they may Search them for the sole purpose of identifying the owner of the property. The Search must cease upon identifying the owner of the property. If the employee views evidence of a crime on a device, they must cease the Search and secure a warrant for the device.

7. Custodial searches

a. When a detainee is transported in a police vehicle, employees shall ensure that the detainee is Searched by the arresting employee and the transporting employee before being placed in a police transport vehicle.

b. Generally, the arresting employee and the transporting employee should both conduct the search.

c. The transporting employee shall ensure the transport vehicle is inspected for any property left inside prior to placing the detainee in the vehicle and again after the detainee is removed from the vehicle.

d. If any evidence is found in the vehicle, the transporting employee shall ensure it is inventoried according to P&P 10-400.

B. Plain View Searches

1. The plain view exception applies when the employee inadvertently discovers contraband or evidence after making a lawful intrusion into a constitutionally protected area, such as a residence or a vehicle.

2. The employee must have Probable Cause to believe that the items in plain view are contraband or evidence, and they must be immediately recognizable as such.
3. Once the inadvertent discovery is made, employees may have Probable Cause to seek a warrant for a more thorough Search.

**C. Probable Cause Searches of Vehicles**

1. If an employee has Probable Cause to believe the vehicle contains evidence of a crime or contraband, Search a vehicle, the employee may Search anywhere in the vehicle where the evidence or contraband sought may reasonably be found, except the trunk or locked containers. Searches of the trunk and locked containers require a warrant. The scope can include applicable unlocked containers within the vehicle regardless of the ownership of those containers.

2. Prior to conducting a Search that will likely cause damage to a vehicle, employees are encouraged to secure a warrant, when practical.

3. Employees shall not conduct a warrantless Search of a vehicle located in a driveway or within the curtilage of a home (area immediately surrounding a home).

**D. Medical Emergency/Life-Saving**

The need to protect or preserve life or avoid serious injury may justify a Search or an entry into a residence or non-public building where there is a reasonable expectation of privacy that would otherwise be illegal absent an emergency.

It is important to remember that while a Search or entry may be justified under the emergency doctrine, a warrant will generally need to be obtained prior to further investigation or seizure of evidence.

1. Justification for Search

   Employees may conduct a warrantless Search for a medical emergency or life-saving purposes when:

   a. The employee has a reasonable, objective belief that there is an immediate need to protect the lives or safety of themselves or the public, or a specific person needs immediate help.

   b. The employee has a reasonable basis, approaching Probable Cause, to associate the emergency with the place to be Searched.

   c. A reasonable person in the same situation would similarly believe that there is a need for immediate assistance.

   d. The Search must be conducted absent a motivation or desire to discover evidence or make an arrest.

   e. Employees shall not conduct the Search as a pretext for an investigatory Search.
2. Unconscious person

Employees shall attempt to rouse a suspected unconscious person prior to conducting a Search. Suspected unconsciousness alone does not support a reasonable, objective belief of a need for immediate assistance.

3. Ending Search

Employees shall cease the Search immediately upon the emergency ending or otherwise dispelling the reason for the non-criminal investigation.

E. Destruction of Evidence

When employees have a reasonable belief that evidence of a felony is about to be removed or destroyed, employees may make a warrantless entry into a residence or non-public building where there is a reasonable expectation of privacy.

1. If entry is made to prevent the destruction of evidence, except in exceptional circumstances such as danger to employees or the public, employees shall not seize the evidence or contraband.

2. Employees shall secure the premises and the evidence, freeze the scene to include all occupants while allowing for occupants to leave if they wish, and await the arrival of a search warrant.

F. Hot Pursuit

Employees may enter a residence or non-public building where there is a reasonable expectation of privacy if they are in “hot,” or “fresh,” pursuit of a fleeing felony suspect.

1. In accordance with MN Statute section 626.69:
   a. This also includes “the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed.”
   b. “Fresh pursuit, as used therein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.”

2. Employees are not allowed to make a warrantless hot pursuit entry when there is only Probable Cause of a misdemeanor or a minor offense. Examples of misdemeanors include DUI, traffic offenses, curfew violations, citation offenses, and non-arrestable violations.

3. Factors to consider in making an entry include:
   - Whether the crime involved is a crime of violence.
   - Whether there is reasonable basis to believe the suspect is armed.
• Whether there is an objectively reasonable basis to believe the suspect committed the crime.
• Whether there is an objectively reasonable basis to believe the suspect is on the premises.
• Whether there is an objectively reasonable basis to believe that the suspect is likely to escape if not swiftly apprehended.
• Whether police identified themselves and gave the suspect a chance to surrender prior to entry.
• Whether the entry is made peaceably.

G. Consent

1. Consent Searches prohibited during stops

Employees shall not conduct a Search based on consent during a pedestrian or vehicle stop. Employees may only conduct a Search during a pedestrian or vehicle stop if there is a basis for the Search other than consent.

2. Reasonable Suspicion required

To request to conduct a consent Search of a person or property for evidence of a crime, employees must have both of the following:

a. Reasonable Suspicion that a crime has been committed.

b. Reasonable Suspicion that either the person is involved in the crime or possesses evidence of the crime, or the place to be searched contains evidence of the crime.

c. If an employee has Reasonable Suspicion that a crime has been committed, and Reasonable Suspicion that the person is involved in the crime or possesses evidence of the crime or the place to be searched contains evidence of the crime, a person who has the authority to give consent may provide consent for a warrantless Search with an established scope and may revoke their consent at any point.

3. Capacity to consent

a. Prior to conducting a consent search, employees shall make a good faith effort to determine whether the consenting person has capacity to provide consent.

Factors to consider include:

• Age.
• Capacity for understanding.
• Education of the person.
• Actual or perceived physical and mental coercion.
• Exploitation.
b. If the person requests further explanation of their rights or if it is apparent that the person giving consent has difficulty reading or understanding their rights, the employee shall explain until the person acknowledges their full understanding of the consent.

c. If applicable, employees shall provide required services in accordance with P&P 7-1001 Limited English Proficiency (LEP) and P&P 7-1002 Communicating with Deaf or Hard of Hearing Individuals.

d. Consent searches involving juveniles shall also follow P&P 8-106 Juvenile Search and Seizure.

4. Authority over property

Consent can only be given by a person who the employee can demonstrate, or that the employee can reasonably articulate, has the authority to give consent to Search the property.

a. If two or more people with equal apparent authority over the property are present and disagree about permission to Search, the consent Search shall not be conducted.

   i. This includes situations in which a parent gives permission to search but a juvenile refuses permission to search areas of the home which are in control of the juvenile, such as the juvenile’s room, closet, or bags stored in the home.

   ii. All cohabitants (roommates) or business partners who are present must affirmatively provide their consent prior to the search. Consent to search is not allowed if one cohabitant or business partner objects to the consent, even if another person gives permission.

b. Landlords cannot give consent to search if a lease or rental agreement is still valid.

c. Consent is valid if the third party giving consent has equal authority over the business or residence and it can be concluded the absent person assumed the risk the cohabitant (roommate) might permit a search.

5. Scope of consent

a. When requesting consent, the scope of the Search must be established and may be limited in any way the person wishes.

b. If the Search exceeds the authorized scope, it must be justified by another exception or will be unlawful.
6. Refusal to consent

The employee requesting consent shall affirmatively explain that the person has a right to refuse, limit, and revoke consent at any time that the person will not be punished or detained longer if they refuse.

a. Employees shall not use a person’s refusal to give consent to Search as a factor in establishing Reasonable Suspicion or Probable Cause.

b. Employees shall not tell a person that refusal to provide consent may lead to adverse consequences, such as arrest or warrantless seizure of their property.

7. Revoking consent

The person providing consent may stop the Search at any point and must be able to communicate their request to stop the Search.

If the consent Search has begun, but the person then decides to revoke their consent:

a. The employee shall immediately cease the Search unless another exception to the Search Warrant requirement applies.

b. The employee shall not use threats or other forms of coercion to obtain or induce the person not to revoke consent.

c. Even if property return is requested, the employee may retain custody of evidence lawfully seized prior to revocation of consent.

8. Recording consent

Employees shall record the person giving consent with their BWC or through another approved MPD audio and video recording method.

9. Documentation

a. Employees shall document in the Police Report:

- The circumstances giving rise to Reasonable Suspicion for a search.
- How consent was obtained (verbally, in writing or both).
- How the search was conducted.
- Whether anything was seized during the search.
- The location of any evidence that was discovered, and the name of the employee who found and seized the evidence.
- Whether the search resulted in an arrest.
H. Inventory

1. Purpose of Inventory Searches
   a. Inventory Searches are not Searches incident to arrest. They are administrative in nature and are conducted to:
      i. Protect and account for property of the arrested person or property in an impounded vehicle.
      ii. Protect the employee and the MPD from false claims.
      iii. Isolate dangerous items from MPD or Jail facilities.
   b. Inventory Searches are not a substitute for obtaining a search warrant or consent.

2. Temporal proximity
   Inventory Searches of personal property or vehicles must occur as close in time as practical to placing an arrestee in a secure facility or impoundment of the vehicle.

3. When Inventory Searches are required
   Inventory Searches shall be done for all vehicles to be impounded, all personal property for safekeeping, and all property that has accompanied an arrestee to a secure policy facility, except in the following cases:
   a. Vehicles that are locked shall be treated as a sealed unit and shall not have an Inventory Search done.
   b. Inventory Searches shall not be done for items or vehicles that are considered evidence and must remain untouched pending a search warrant.
   c. If an arrestee is eligible for bail, an Inventory Search shall be postponed until after the arrestee has had the opportunity to post bail.

I. Documenting the Search

1. No boilerplate language
   a. Employees shall not use boilerplate language alone when describing the basis for a Search.
   b. Employees shall use specific and descriptive language individualized to the person Searched and the circumstances of the Search to describe the basis of the Search. The amount of detail required depends on the complexity of the encounter.
2. Report required

Following a warrantless Search, the employee shall complete a Police Report, and shall include the following information:

a. A detailed description of the circumstances that led to the Search, including the facts that established Probable Cause for the Search.

b. The outcome of the Search, including whether anything was found, and a complete description of anything that was found.

J. Damage to Property

If damage to property occurs (such as to a building or vehicle), the following shall happen:

1. A supervisor shall be notified.

2. Photographs shall be taken to document any known damages.

3. If entry for a search is made forcibly to windows or interior or exterior doors, the report shall be additionally titled FENTRY.

K. Supervisory Review of Searches

1. Supervisors shall review all Police Reports for Searches for completeness and adherence to MPD policy and law.

2. This review shall be completed within 72 hours of the Search unless the review finds deficiencies and additional investigation, or corrective action is required.

3. The supervisor conducting the review shall document and report:

a. Searches that appear unsupported by the required Reasonable Suspicion or Probable Cause, including circumstances where employees purport to justify the Search based on information or evidence discovered after the Search was initiated, or that are otherwise in violation of MPD policy or law.

b. Stops or searches that, while comporting with law and policy, indicate a need for corrective action or review of agency policy, strategy, tactics, or training.

c. “Boilerplate” or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indications that the reports or forms may contain information that was not accurate at the time it was reported.

d. Lack of clarity with respect to the specific role and involvement of each MPD employee, including specifying which employee saw or heard information or engaged with or observed a person engaging in a particular manner or completing a particular activity.
4. If necessary to properly assess one of the required elements, the supervisor or Lieutenant shall review relevant body worn camera (BWC) video.

5. If necessary based on the review, the supervisor or Lieutenant shall make a referral to Internal Affairs.
9-203 Strip Searches and Body Cavity Searches
(xx/xx/23)
Revisions to prior policies: (07/01/11) (06/29/16)

I. Purpose

A. The purpose of this policy is to ensure that people’s privacy and dignity are preserved to the greatest extent possible, and that Strip Searches and Body Cavity Searches are limited to the minimum extent necessary.

B. This policy is intended to balance the interests of public safety with the deeply personal, constitutional privacy interests of every person in MPD custody.

II. Definitions

Body Cavity Search: A Body Cavity Search is a search of a person involving not only visual inspection of skin surfaces, but the internal physical examination of body cavities, such as a person’s genital or anal region with or without any physical contact or intrusion into the body cavity, and in some instances, organs such as the stomach.

Strip Search: A Strip Search means any search of a person requiring the removal or rearrangement of some or all clothing to permit the visual inspection the person’s groin or genital area, buttocks, or breasts.

Note: The following does not constitute a Strip Search:

1. The removal or rearranging of clothing reasonably required to render medical treatment or assistance.

2. The removal of articles of outer clothing, such as coats, ties, belts, shoes.

3. A Weapons Pat-Down (P&P 9-202) that includes minor manipulation at or around the waistband of the pants, including the untucking and shaking out of a person’s shirt, which may expose the waistband of a person’s undergarments only.
III. Policy

A. Only When Necessary

1. Privacy
   a. The MPD recognizes the intrusiveness of these Searches on individual privacy and
      will use the least intrusive means to achieve its law enforcement purpose. As such, it
      is imperative that employees consider the importance of individual privacy when
      determining the necessity for an allowable Strip Search or Body Cavity Search under
      the Fourth Amendment.
   b. Such Searches shall be conducted with due recognition and deference for the human
      dignity of those being searched and only with proper authority and justification in
      accordance with MPD policy.

2. Safety
   The use of Strip Searches and Body Cavity Searches may, under the rarest of conditions,
   be necessary to protect the safety of MPD employees, civilians and other people in
   custody, and to safeguard the security and related interests of holding facilities.

3. Evidence
   The use of Strip Searches and Body Cavity Searches may, under the rarest of conditions,
   also be necessary to detect and secure evidence of criminal activity.

B. Strip Searches

1. Respect and dignity
   a. Strip Searches shall be limited to the minimum extent necessary.
   b. Strip Searches shall only be conducted in a manner preserving the dignity and privacy
      of the person to the greatest extent possible.

2. Probable Cause required
   Strip Searches may be conducted only in the following circumstances:
   a. Employees have probable cause to believe that evidence, or contraband exists and
      will be destroyed or lost in the absence of an immediate Strip Search; or
   b. Employees have probable cause to believe that an immediate Search is necessary to
      prevent imminent danger to the suspect, employee or others.
3. Supervisor approval required
   a. Approval shall be obtained from a supervisor at the rank of Lieutenant or above before conducting a Strip Search.
   b. Such approval shall only be given after an on-scene assessment by the supervisor, unless the circumstances prevent the supervisor from being on-scene.
   c. If the supervisor is unable to respond to the scene, they shall document the reason why in the Police Report.

4. Same gender required
   A strip search shall be conducted by an employee of the same gender as the person being searched, and shall also be witnessed by another employee or supervisor of the same gender as the person being searched.

5. Supervisor presence required
   a. The supervisor approving the Search shall be present when the Search is conducted unless precluded from doing so by the issue of gender or other circumstances.
   b. If the supervisor who authorized the Strip Search is prohibited from being present, another supervisor of the same gender as the person to be searched should be present when the Search is conducted.
   c. If it is not reasonable or possible to have a supervisor of the same gender present to witness the Strip Search, the supervisor approving the Search shall ensure that at least two employees of the same gender conduct and witness the Search.

6. Privacy required
   a. The Search shall be performed in a location that affords the suspect privacy from persons not involved in the Search.
   b. Employees shall be aware that Strip Search conducted in the field could require extraordinary measures to ensure the suspect’s privacy.

7. Touching areas prohibited
   Employees shall not touch breasts, buttocks, genitalia, or body cavities of the person being searched.

8. Body worn camera
   In accordance with P&P 4-223:
a. All strip searches shall be recorded by at least one person present during the entirety of the strip search, including all pre-search instructions provided to the person being searched.

b. The camera shall be positioned to ensure that only audio data is collected and that the person being searched is not captured on video.

9. Documentation

The supervisor authorizing the Strip Search shall articulate why the Search was justified and necessary in a narrative text with the Police Report. The documentation shall also include:

- Which employees conducted the Search.
- Which employees were present for the Search.
- Where the Search was conducted.
- How the Search was conducted.
- The reason for the supervisor’s absence if the supervisor was unable to conduct an on-scene assessment or be present for the Search.

10. Weapons

Nothing stated in this policy shall preclude an employee from immediately recovering a weapon if the employee can articulate that any delay would cause imminent danger to the safety of the employee or others.

11. Urine sample

Nothing stated in this policy shall preclude an employee from collecting a urine sample for evidentiary purposes (e.g. DWI).

C. Body Cavity Searches

1. Due regard

Body Cavity Searches shall only be performed with due recognition of privacy and hygienic concerns.

2. Search warrant required

a. With the exception of the mouth, nose and ears, Body Cavity Searches shall only be performed by pursuant to a search warrant or court order.

b. Employees shall consult with their immediate supervisor to determine whether sufficient probable cause exists to seek a search warrant for a Body Cavity Search.
3. Medical professional required

Body Cavity Searches shall only be conducted by licensed medical professionals under sanitary conditions.

4. Contraband in mouth

a. Exigent circumstances such as the suspect placing illegal narcotics or contraband into their mouth does not require obtaining a search warrant or court order.

b. Minimal physical force (which includes low control options such as joint manipulation, pressure points and verbal directions) may be used to recover suspected narcotics from a suspect’s mouth. Force used shall not include any strikes or any type of force which restricts breathing or blood flow in the neck.
10-215  State Administrative Forfeiture
(03/01/11)  (xx/xx/23)

I. Purpose

MN Statute section 609.531 requires the MPD to establish and enforce a written policy to articulate the best practices for forfeiture and ensure uniform application of forfeiture laws statewide.

II. Policy

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

B. Training will be provided by the MPD in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training is to be conducted whenever the MPD policy is changed or modified based upon administrative directives, legislative statutes changes and/or relative court decisions. Training may include, but not be limited to: MPD policy, directives, electronic or traditional classroom education.

III. Definitions

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

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

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

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

**Forfeiture/Seized Property Reviewer**: An MPD employee responsible for reviewing all forfeiture cases and is the liaison between the MPD and the prosecutor’s office.

**Forfeiture Submission form**: Form mandated by state statute, completed by officers and submitted to the Forfeiture/Seized Property Reviewer.

**Notice of Seizure and Intent to Forfeit Property form**: Form completed by officers at the time of property seizure; to be distributed as directed on the form. Notice of Seizure and Intent to Forfeit Property forms are available for seizures made specific to: Controlled Substance Crime, Impaired Operation, Prostitution, Drive by Shooting and Fleeing Police Officer.

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

**Property Inventory form**: Form completed upon property inventory at Property and Evidence. Original copy is maintained by Property and Evidence.

**Property Receipt form**: Triplicate form completed by officers at the time of property seizure; to be distributed as directed on the form.

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

### IV. Procedures/Regulations

#### A. Controlled Substance Crimes

1. The following are subject to forfeiture under MN Statute section 609.5314
   **Administrative Forfeiture of Certain Property Seized in Connection With a Controlled Substances Seizure**:

   a. All money totaling $1,500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense;

   b. All money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance;
c. All conveyance devices containing controlled substances with 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.

d. All firearms, ammunition and firearm accessories found:

   i. in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;

   ii. on or in proximity to a person from whom a felony amount of controlled substance is seized; or

   iii. 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 MN Statute Chapter 152.

2. When any property as described in the above section is seized, the peace officer making the seizure must prepare the following documents for each person whom property is being seized from:

   • The “Notice of Seizure and Intent to Forfeit Property- Controlled Substance Crimes” form. This form must be completed to include the following:
     - a list describing each item seized
     - the name of the individual served with the Notice
     - location of seizure
     - date of seizure
     - MPD case number
     - signature, date, and location where notice was served (written by the peace officer conducting the seizure).

   • Property Receipt Form. This form must be completed in detail in its entirety. (In addition to the Page 5, when applicable.)

   • Forfeiture Submission Form. This form must be completed in detail in its entirety. Note: Referencing a report is not enough.

   • Police Report and narrative text explaining probable cause for the seizure to include type and weight of controlled substance and result of field test(s). (See also, H. Administrative Forfeiture - Report Writing Requirements)

3. The individual whom property is being seized from must be given an opportunity to sign the seizure notice form.

   • If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign.
4. A copy of the Notice of Seizure and Intent to Forfeit Property Controlled Substance Crimes form and a copy of the Property Receipt shall be given to each individual served.

a. If property is seized from multiple individuals, separate forms shall be completed for each individual.

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

6. The officer conducting the seizure shall forward the following to the Forfeiture/Seized Property Reviewer within 5 days of seizure:

   • Notice of Seizure and Intent to Forfeit Property Controlled Substance Crimes form (original and pink copies)
   • Property Receipt form (original and pink copies)
   • Forfeiture Submission form

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

8. Seizure of property not listed above must be processed, reviewed and approved by the unit supervisor.

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

B. Cash in Controlled Substance Crimes

1. Cash shall not be seized if it has an aggregate value less than $300.00 unless pre-recorded buy funds are included in the cash seized.

2. Officers shall examine all cash seized to determine whether it contains any buy funds. When buy funds are recovered:

   a. Photocopy the recovered buy funds and property inventory the photocopy.
   b. Return recovered buy funds to the appropriate unit’s buy fund account.
   c. Document in the Police Report under the correct CCN that buy funds were recovered.

3. Cash shall be recounted and the amount verified by another employee of the MPD. The cash envelope and/or inventory receipt shall then be co-signed.

   • If a discrepancy is found, the Notice of Intent to Forfeit Property Controlled Substance Crimes form and the Property Receipt form must be reissued.

4. All forfeitable cash seized will be property inventoried at Property and Evidence in accordance with P&P 10-401 Property and Evidence.
a. The Property Inventory form shall specify the total amount of cash seized from each individual.

b. The Property Inventory form shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

C. Property Other than Cash in Controlled Substance Crimes

1. Seized jewelry, precious metals and/or precious stones shall be property inventoried at the property/evidence room in accordance with P&P 10-401 Property and Evidence.

2. Forfeiture of Conveyance Device
   a. Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an MPD approved impound facility.
   b. Officers shall inventory the conveyance device and its contents in accordance with applicable MPD policies.
   c. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer shall serve the registered owner a seizure notice via certified mail within 60 days of the seizure, pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

3. Seized firearms, ammunition or firearms accessories shall be property inventoried in accordance with P&P 10-401 Property and Evidence.

D. Vehicle Forfeiture for Prostitution

1. Vehicles are subject to forfeiture under MN Statute section 609.5312 Subd. 3 (Vehicle forfeiture for prostitution offenses) if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Statute section 609.324 Patrons; Prostitutes; Housing Individuals Engaged in Prostitution; Penalties.

2. Seizure of the vehicle in prostitution offense may be seized only if registered owner of vehicle is present.

3. When a vehicle is seized for prostitution, the peace officer making the seizure must complete the “Prostitution Arrests - Notice of Seizure of Motor Vehicle” form. This form must be completely filled out and issued immediately.

4. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.
   - If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.
5. The form shall be immediately distributed as directed on the form as the vehicle owner is entitled to a hearing within 96 hours, per MN Statute section 609.5312 Subd 3(b) Forfeiture of Property Associated With Designated Offenses, Vehicle Forfeiture for Prostitution Offenses.

- Fax to Minneapolis City Attorney’s office
- Fax to Minneapolis Property and Evidence
- White copy to Forfeiture/Seized Property Reviewer
- Yellow copy to registered owner of vehicle

6. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

E. Vehicle Forfeiture for Impaired Operation (DUI)

1. Vehicles are subject to forfeiture under MN Statute section 169A.63 Subd 2 Vehicle Forfeiture, Seizure incident to a lawful arrest for the violation of a designated drinking and driving offense.

2. When a vehicle is seized for impaired operation, the peace officer making the seizure must complete the “Impaired Operation - Notice of Intent to Administratively Forfeit Vehicle” form. This form must be completely filled out.

3. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.

- If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.

4. The form shall be distributed as directed on the form.

- White and Pink copies to Forfeiture/Seized Property Reviewer
- Yellow copy to driver of vehicle

5. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

F. Vehicle Forfeiture for Flee in Motor Vehicle

1. Vehicles are subject to forfeiture under MN Statute section 609.5312 Forfeiture of Property Associated With Designated Offenses if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Statute section 609.487 Fleeing Peace Officer; Motor Vehicle; Other.
2. When a vehicle is seized for fleeing a police officer, the peace officer making the seizure must complete the “Notice of Seizure Motor Vehicle Fleeing Police Officer” form. This form must be completely filled out and issued immediately.

3. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.
   - If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.

4. The form shall be immediately distributed as directed on the form as the vehicle owner is entitled to a hearing within 96 hours, per MN Statute section 609.5312 Subd 4(b) Forfeiture of Property Associated With Designated Offenses, Vehicle Forfeiture for Fleeing Peace Officer.
   - Fax to Hennepin County Attorney’s office
   - Fax to Forfeiture/Seized Property Reviewer
   - Copy to driver of vehicle

5. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

G. Vehicle Forfeiture for Drive by Shooting

1. Vehicles may be seized and are presumed under MN Statute section 609.5318 Forfeiture of Vehicles Used in Drive-By Shootings to be subject to administrative forfeiture if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Statute section 609.66 Subd. 1(e) Dangerous Weapons, Felony; Drive-By Shooting.

2. When a vehicle is seized for drive by shooting, the peace officer making the seizure must complete the “Notice of Seizure Motor Vehicle Used in Drive by Shooting - Vehicles Used in Violation of MN Statue section 609.66 Subd. 1(e)” form. This form must be completely filled out.

3. The form shall be distributed as follows:
   - White and pink copies to Forfeiture/Seized Property Reviewer
   - Yellow copy to driver of vehicle

4. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.
H. Report Writing Requirements

1. The Officer/Investigator seizing property shall document in the Police Report via a narrative text under the appropriate CCN.

2. The documentation must include a description of:
   - the items seized,
   - where the property is inventoried,
   - the name(s) of the individual(s) served,
   - the date the seizure form was served,
   - the name of the serving peace officer and
   - Whether or not the individual(s) signed the Notice of Seizure and Intent to Forfeit Property form.

3. When practical, all reports dealing with seized property shall be completed within 24 hours of the seizure.