

Duluth Police Department

Duluth PD Policy Manual

MISSION STATEMENT, VALUES AND CORE BELIEFS

MISSION STATEMENT

To provide a safe Duluth for all by strengthening relationships and serving in a respectful, caring, and selfless manner.

VALUES

- Fair
- Accountable
- Caring
- Transparent

CORE BELIEFS

- We recognize that our authority comes from our social contract with the community.
- People will believe that we are there to serve them if we are kind, caring, and compassionate, and our actions match our words.
- People will trust us if they believe we are protecting their rights.
- Every interaction leaves a lasting impression.
- The safety of both our community and officers are paramount

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Duluth Police Department to perform their functions based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.1.1 POLICY

Duluth police officers have the authority and responsibility to enforce all ordinances of the City of Duluth, laws of the State of Minnesota, and the United States. This authority and responsibility is generally only exercised within the corporate limits of the City of Duluth, unless acting under a mutual aid agreement, or other specific police function. M.S. 629.405 Subd. 3 gives on-duty officers police powers throughout the State.

Officers are to take all reasonable steps necessary to enforce the law. Officers are expected to exercise discretion and good judgment in determining the proper course of action. When an officer is unclear of the appropriate disposition, they should consult their unit leader.

100.2 PEACE OFFICER POWERS

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

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

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

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

The arrest authority of an off-duty part-time officer is limited to the same powers as members of the general public (Minn. Stat. § 629.34 Subd. 1 (b)).

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100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 OFFICER'S POWER TO ARREST

Officer's powers range from verbal warnings to arrest and incarceration. Application of these powers requires officers to balance discretion and knowledge. This order is intended to provide guidelines for the proper use of discretion and arrest powers.

100.4.1 DEFINITIONS

a. Arrest

- Arrest is the taking of a person into custody so that the person may be held to answer for a public offense. Arrest includes actually restraining a person or taking into custody a person who submits. (Minn. Stat. § 629.30) Placing someone on an arrest-hold at a non-jail facility constitutes a custodial arrest (detox or hospital)

b. Complaint

- A Complaint is a written, signed statement of the essential facts constituting the offense charged. (Rules Governing Criminal Procedure, Rule 2.01)

c. Summons

- A summons is an order which directs the defendant to appear at the stated time and place to answer the complaint before the court and which includes a copy of the complaint. (Rules Governing Criminal Procedure, Rule 3.02, Subd. 3)

d. Warrant

- A warrant is an order for the arrest of the defendant that directs that they be brought before the court. The warrant identifies the defendant, describes the offense committed, and may contain the amount of bail and conditions of release. (Rules Governing Criminal Procedure, Rules 3.01 and 3.02)

A summons, rather than a warrant, is issued for offenses punishable only by fines, and for other misdemeanors if it is believed that the defendant will respond to the summons. Failure to respond to a summons causes a warrant to be issued. (Rules Governing Criminal Procedure, Rule 3.01)

A summons, rather than a warrant, may be issued for felonies, whenever the judge is satisfied that a warrant is unnecessary to secure the appearance of the defendant. (Rules Governing Criminal Procedure, Rules 3.01)

100.5 ARREST AUTHORITY

a. DISCRETION

The police profession is one which requires officers to use considerable judgment and discretion in the performance of their daily duties. Employees will draw from department policies, procedures, training, and experience to guide them in exercising proper judgment.

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The City of Duluth is composed of many different communities, each with its own lifestyle, diverse ethnic and socioeconomic background. Persons throughout the community have a common need for protection and right to fair and impartial police service.

What is reasonable in terms of appropriate police action varies with each situation. Different facts may justify an investigation, a detention, a search, an arrest, or no police action. In every case, an officer must act reasonably within the limits of their authority as defined by statute and judicial interpretation. Officers are allowed to use discretion in many areas, such as traffic offenses, minor disputes between individuals, problems involving children, and some domestic situations.

b. ARREST POWERS

1. On-duty Authority

On-duty officers within the state of Minnesota have the power to make arrests in the following situations: (Minn. Stat. § 629.34, 629.40)

- when a warrant exists for the individual's arrest;
- felonies committed in the officer's presence;
- felony investigations where probable cause to make an arrest exists;
- misdemeanors committed in the officer's presence; and
- certain misdemeanors even though not committed in the officer's presence.

On-duty officers have no special arrest powers outside the state except in the instance of fresh pursuit or when responding to a request for mutual aid in the City of Superior.

2. Off-duty Authority

Off-duty sworn officers are expected to take appropriate action when a crime is observed within the city of Duluth. Inside the city, off-duty officers have the same arrest power and authority that they have on duty.

Outside the city, off-duty officers have no power or authority other than that of a private citizen, unless confronted with circumstances that would permit the use of deadly force (Minn. Stat. §609.066).

Except as absolutely necessary to prevent injury or destruction of property, recruit officers participating in the Police Training Officer program should avoid direct involvement in arrests while off duty. The recruit should summon an on-duty officer and assist as necessary. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Watch Commander or their Supervisor as soon as reasonably practicable.

3. Private Citizen Authority

A private citizen may arrest another:

- for a public offense committed or attempted in the arresting person's presence;

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- when the person arrested has committed a felony, although not in the arresting person's presence; or
- when a felony has been committed and the arresting person has reasonable cause for believing the person arrested committed a felony.

A private person making an arrest must inform the person to be arrested of the cause of the arrest. The arrested person must be taken to a judge or peace officer without delay. (Minn. Stat. § 629.30, 629.37 through 629.39)

c. CRIMINAL CHARGES WITHOUT A CUSTODIAL ARREST

Officers may issue citations for unwitnessed misdemeanors or petty misdemeanors. This method is more efficient than requesting a complaint/summons. If the individual does not appear, the prosecutor requests a complaint/summons be issued by the court.

100.6 FORMAL REQUEST FOR CHARGES

- (a) Misdemeanor/Traffic requests: Patrol officers are expected to complete misdemeanor, and traffic related investigations. Upon completion of an investigation in which the subject is not in custody, and the officer wants the person to be charged, the reports are submitted to the appropriate prosecutor for a complaint to be issued. Reports are submitted by forwarding the completed paperwork to the respective supervisor. Once reviewed, the completed paperwork is placed in the appropriate BIN in the report room where Records and Support Unit (RSU) staff will monitor and process. The originating officer will complete a referral to the appropriate investigative unit. Unit leaders determine the procedure for officers in their unit to submit a request for a criminal complaint. Unit leaders may allow officers to make the determination to send the request on their own, or may require the officer to submit it initially to the unit leader, who determines whether or not to request a complaint, Unit leaders are ultimately responsible for ensuring the request for a criminal complaint are completed and documented in the Records Management System (RMS) If a warrant (order for detention) is desired the officer must articulate in the Incident report why a summons is not sufficient.
- (b) Felony/Gross Misdemeanor with Follow-up requests: Patrol Officers are typically expected to complete a thorough initial investigation of felony and gross misdemeanor offenses to which they are assigned. That initial investigation may, at times, constitute the entire investigation of the incident. More commonly, felony, or gross misdemeanor (non-traffic) incidents require follow-up investigation and/or a request for a criminal complaint. In either case, these incidents are referred to the appropriate unit. Unit leaders determine the procedure for officers in their unit to make referrals for follow-up investigation. Officers may be allowed to make the referrals directly, or the unit leader may make the referral. The unit leader retains responsibility to ensure that the referral is made to the appropriate unit on a timely basis. Referrals are documented in RMS which indicates to which unit the case was referred. The unit leader receiving a referral is responsible for determining whether to assign follow-up investigation, send a request for a criminal complaint, or to suspend the case. The unit leader's action is documented in the RMS. The investigator assigned a case assumes responsibility for submitting the request for criminal charges if the investigation reaches that

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point. All referrals, assignments, requests for criminal charges, suspensions, etc. are documented in RMS according to department procedures and Policy 345.

100.7 ARREST WARRANT EXECUTION

Arrest warrants may be executed by on-duty officers anywhere in the state. The St. Louis County Sheriff's Office has primarily responsibility for maintaining and executing arrest warrants, Duluth police officers are encouraged to take a proactive role in executing arrest warrants within the confines of their workload. (See G.O. 230.03) The Risk Assessment Matrix should be completed prior to affecting an arrest on warrant, if the arrest will involve a building entry.

An arrest for a felony or gross misdemeanor warrant may be made at any time.

Misdemeanor warrant arrests may not be made on Sunday, or between 10:00 p.m. and 8:00 a.m. except when:

- the judge has ordered in the warrant that the arrest may be made between those hours; or
- the person named in the warrant is found on public highway or street. (M.S. 629.31)

Most misdemeanor warrants in St. Louis County are "night capped" meaning that an arrest can be made at any time; however the officer must ensure that the judge has allowed it.

100.8 ARREST DISPOSITIONS

a. SUPERVISORY APPROVAL

Patrol officers making a custodial arrest are required to notify their sergeant of the arrest prior to, or during, transportation to the jail. If their sergeant is not available they must notify another on-duty patrol sergeant. Officers not assigned to patrol, making an arrest unrelated to a case to which they are assigned, must also notify a patrol sergeant of the arrest. Notification allows supervisory review of the arrest and the appropriateness of incarceration.

Investigators making a custodial arrest on an assigned case clear the arrest through their unit leader. In this instance the investigator making the arrest, or their unit leader, is required to make a courtesy notification of an on-duty patrol sergeant merely to make them aware of the arrest.

Sergeants/unit leaders approving an arrest are responsible for ensuring the legality of the arrest and appropriateness of confinement.

b. INCARCERATION

Incarceration is appropriate for most felonies. Incarceration for gross misdemeanors and misdemeanors occurs only when necessary to:

- ensure the defendant's appearance in court; or
- prevent further criminal conduct; or
- prevent bodily harm.

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Incarceration for petty misdemeanors is inappropriate due to the fact that even if a judge finds the person guilty, the person may not be sentenced to jail.

Officers booking a person into a facility are responsible to see that the arrestee is being held on the correct charges. In cases where crimes are enhanced due to prior convictions, officers are expected to check an arrestee's prior record to determine if there were prior convictions which make the current charge more serious. Appropriate sources to check are SHIELD (department records), MINCIS (State-wide court records), and CCH (F.B.I. records). Results from each record source, positive and negative, must be delineated in the report. This prevents a duplication of effort by other employees. If a computer system is down, or workload absolutely prevents obtaining the records it must be specified in the Incident Report.

Officers must complete reports on any in-custody lodging prior to completion of their shift. Officers must include the name of the approving sergeant on the booking form.

Citations are issued to persons incarcerated for misdemeanors. In some cases, the release of an incarcerated misdemeanant will be mandated by jail policy. The Jail generally will hold them for twelve hours. In those cases, the jail will set the court date. Officers should consult with the booking officer for current policy and court date in such cases. Officers lodging a person on a misdemeanor may request that the person not be released, or held until sober. Habitual offenders or cases where someone needs to appear, the request can be made to hold for appearance.

c. RELEASE WITH CITATION

Persons charged with petty misdemeanors, and non-violent misdemeanors, are released after the issuance of the citation(s).

Bail cannot be accepted or required from persons charged with a petty misdemeanor or an unwitnessed misdemeanor.

d. RELEASE FROM INCARCERATION

When a subject is incarcerated without a warrant the Watch Commander, or their designee, may authorize the subject be released without bail if he believes (Rules Governing Criminal Procedure, Rule 4.02, Subd. 1):

- the subject will appear in court;
- the subject will not engage in further criminal activity; and
- the subject is not a danger to them self or others.

Citations must be issued prior to release for petty misdemeanors and misdemeanors. If a person charged with domestic assault is released, the victim must be notified, as required by M.S. § 629.72, Subd. 6.

Department members should be aware that the St. Louis County Jail, at their discretion, has authority to release individuals without consultation or authority of the Station Commander.

CALEA 1.2.1, 1.2.7, 11.3.1

Oath of Office and Code of Ethics

101.1 PURPOSE AND SCOPE

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

101.1.1 OATH OF OFFICE

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

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

101.1.2 MAINTENANCE OF RECORDS

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

101.1.3 OATH OF OFFICE AND CODE OF ETHICS

All employees will abide by the department's Mission Statement, Statement of Values, Core Beliefs and the Code of Ethics as represented in the Law Enforcement Code of Ethics or Civilian Code of Ethics (as it applies to their duty assignment). All employees will receive training upon initial employment and continued training at minimum biennially on the Oath of Office and Code of Ethics.

LAW ENFORCEMENT OATH OF OFFICE

I, (name), recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will always have the courage to hold myself and others accountable for our actions. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession, law enforcement.

LAW ENFORCEMENT CODE OF ETHICS

"As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secret unless revelation is necessary in the performance of duty. I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my

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Oath of Office and Code of Ethics

decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, and never employing unnecessary force or violence. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals.

CIVILIAN CODE OF ETHICS

I will keep my private life unsullied as an example to all; develop self-restraint; and be constantly mindful of the welfare of others. I will be honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions.

CALEA 1.1.1, 1.1.2

Policy Manual

102.1 PURPOSE AND SCOPE

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

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

102.1.1 DISCLAIMER

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

102.2 RESPONSIBILITIES

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

102.2.1 CHIEF OF POLICE

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

102.2.1 STAFF

Staff shall consist of the following:

- Chief of Police
- The Deputy Chief from each XXXdivision

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

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

102.2.2 OTHER PERSONNEL

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

102.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

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

102.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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

102.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CFR - Code of Federal Regulations

Child - Any person under the age of 18 years.

City - The City of Duluth

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

Department/DPD - The Duluth Police Department

DPS - The Minnesota Department of Public Safety

DVS - The Minnesota Department of Driver and Vehicle Services

Employee/personnel - Any person employed by the Department.

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

Manual - The Duluth Police Department Policy Manual

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May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Duluth Police Department including licensed officers, part-time officers, professional staff and volunteers.

MSP - Minnesota State Patrol

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

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

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

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

POST - The Minnesota Board of Peace Officer Standards and Training

Rank - The job classification title held by an officer.

Shall or will - Indicates a mandatory action.

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

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

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

USC - United States Code

102.3.3 DISTRIBUTION OF MANUAL

The policy manual will be accessible through Lexipol. Employees will be set up with a login and password to access all our policies through this platform. An electronic version of the Policy Manual is located on the "I" drive on the Department network and is available to all employees. The electronic version will be limited to the viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

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102.3.4 ACKNOWLEDGEMENT

Each newly appointed employee will acknowledge all policies through Lexipol, showing that he/she has been provided access and ability to review the Policy Manual. All employees will acknowledge in Lexipol the receipt and review of any new directive or modifications to this manual. Personnel, Training, and Licensing Lieutenant.

102.4 MANUAL ACCEPTANCE

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

102.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be emailed to all employees with the request to review and acknowledge the changes in Lexipol..

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

Agency Role/Ratification Responsibilities

103.1 PURPOSE AND SCOPE

This policy is established to outline the activities of collective bargaining and ensure adherence to the current collective bargaining agreement and how to manage grievances.

103.2 PROCEDURE

It is the policy of the Duluth Police Department to abide by all laws and rules governing the collective bargaining process.

The Mayor's Office will establish the collective bargaining team to represent the City of Duluth and Duluth Police Department.

The following collective bargaining units are recognized by the City of Duluth and have employees working in the Duluth Police Department.

- (a) Duluth Police Union, Local 807
- (b) Duluth Police Lieutenants, LELS 363
- (c) Basic Unit Employees, Local 66 A.F.S.M.E.
- (d) Duluth Police Deputy Chiefs. LELS 503
- (e) City of Duluth Supervisory Association, CDSA

The Duluth Police Department will abide, in both letter and spirit, by negotiated labor agreements signed and ratified by the parties.

Upon ratification of negotiated labor agreements, the Duluth Police Department's Chief of Police or designee will do the following:

- (a) Obtain a signed copy of the labor agreement(s).
- (b) Disseminate information relative to the new labor agreement(s) to the command staff.
- (c) Review and amend, if necessary, all policies and procedures to coincide with the terms of the labor agreement(s).

All current labor agreements are available on the City of Duluth Human Resources website

CALEA 22.3.1, 22.3.2

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This General Order is an overview of the Department's structure and a brief outline of duties and responsibilities related to each function. This structure can also be found on the DPD's website.

200.2 CHIEF OF POLICE

The Chief of Police oversees and directs all activities of the Police Department. The Chief is directly responsible for:

- The selection of new employees,
- The promotion of existing employees,
- The final Department position on grievances and discipline,
- Fiscal management,
- Long term planning, and
- Supervision of the three Deputy Chiefs.

200.3 PATROL DIVISION

PATROL DIVISION

NOTE: Policy 400 Patrol Function describes the structure of the Patrol Division in detail. The following definitions of positions are provided for consistency in this order and throughout the Department Manual.

Watch Commander: The highest ranking, on-duty officer of the on-duty patrol crew. If there is more than one officer of the same rank it is the most senior person at that rank. A watch commander is always on-duty. This is a fluid position directly affected by schedules.

Area Commander: A lieutenant assigned to an area, as opposed to a shift.

Command Staff: All lieutenants and above.

Unit Leader: The immediate supervisor of a work unit (applicable throughout the Department, in both investigative and patrol divisions) as designated on the organizational chart. An individual's unit leader is a fixed assignment, not affected by schedules or absences, only by the transfer of personnel. All personnel, with the exception of the Chief, have a unit leader.

Shift Lieutenant: A lieutenant assigned to a patrol crew. On-duty shift lieutenants are always the watch commander, regardless of the presence of a more senior officer.

Shift Sergeant: A sergeant assigned to a patrol crew. In the absence of a shift lieutenant the most senior, on-duty shift sergeant is the watch commander.

Community Policing Sergeant: A sergeant assigned to an area, and supervised by the Area Commander.

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Organizational Structure and Responsibility

A. Deputy Chief -Patrol Division The Patrol Division is supervised by a Deputy Chief. The Deputy Chief is the Chief's assistant and participates in planning and budgeting. In the Chief's absence the Patrol Division Deputy Chief assumes the Department's senior command position. The Deputy Chief is also responsible for:

- Recommending and/or approving discipline within the Patrol Division,
- Supervising the Area Commanders and Patrol Division lieutenants, and
- Patrol Division Area Commanders and Shift Lieutenants

B. The Patrol Division is divided into a West Policing Area and an East Policing Area. Each of those Areas is supervised by a lieutenant (Area Commander).

The Area Commander is responsible, within their area, for:

- Assigned shift lieutenants,
- Assigned sergeants,
- Community Oriented Police,
- District assignments of officers, and
- All patrol activities occurring in their area.

Each of the four patrol shifts has a shift lieutenant assigned. Two of them are supervised by the East Area Commander, and two by the West Area Commander. These shift lieutenants serve as the Watch Commander when they are on-duty. They are responsible for supervising the sergeants and patrol officers on their shift as well as all police activities occurring when they are on-duty.

C. Patrol Division Sergeants

Ten Sergeants are assigned to the Patrol Division. Sergeants have a geographical assignment to the West or East Policing Area. To promote operational flexibility, area assignments do not limit the city-wide responsibility of shift sergeants. Five Sergeants are assigned to the West Policing Area and five Sergeants are assigned to the East Policing Area. Eight sergeants are assigned as Shift Sergeants, four to each Policing Area (West and East) and two Sergeants are assigned as Community Policing Sergeants, one to each Policing Area (West and East). Shift Sergeants report directly to a Shift Lieutenant. Community Policing Sergeants report directly to Area Commanders. Each Patrol Shift has two sergeants assigned with one sergeant representing each Policing Area (West and East). One of the Sergeants on the shift will be a senior Sergeant, squad 20, and one of the Sergeants on the shift will be a junior Sergeant, squad 21. The senior Sergeant is the Watch Commander in the absence of higher ranking personnel on-duty. In instances when only one Sergeant is working, the on-duty Sergeant is the supervisor responsible for all personnel and police services on the shift. The Community Policing Sergeant is responsible for all problem solving and community policing operations in the respective Policing Areas (West and East). The Community Policing Sergeant directly supervises Community Police Officers and other personnel assigned to that Area.

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D. Patrol Division Police Officers

The Patrol Division Deputy Chief allocates and assigns personnel to the East or West Policing Areas. An annual analysis of workloads is conducted to distribute officers equitably. Actual assignment to patrol districts and shifts is at the discretion of the Area Commander. G.O. 205.00 describes their assignments in detail.

E. Community Oriented Police (COPS)

COPS are assigned to each patrol district and their primary function is to work on community oriented projects and work as an adjunct to patrol. They are involved in both enforcement and investigative activities with a focus on community problem solving.

200.4 INVESTIGATIVE DIVISION

INVESTIGATIVE DIVISION

The Investigative Division is supervised by a Deputy Chief. The Deputy Chief is the Chief's assistant and participates in planning and budgeting. The Deputy Chief is also responsible for:

- Recommending and/or approving discipline within the Division,
- Supervising the Division lieutenants.

Investigative "Major Crimes Lieutenant" supervises:

- Crime Scene Investigations
- Sex Crime, Abuse, and Neglect
- Violent Crimes
- Crash Investigations
- Domestic Violence
- Property and Financial Crimes
- Special Events
- Property and Evidence

Investigative Lake Superior Drug and Violent Crimes Task Force Commander supervises:

- Special Investigations Unit
- Lake Superior Drug and Violent Crime Task Force

200.5 ADMINISTRATIVE DIVISION

ADMINISTRATIVE DIVISION

Deputy Chief oversees the administrative division and is the Chief's assistant, participating in planning and budgeting. The Deputy Chief is also responsible for :

- Recommending and/or approving discipline within the Division

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- CALEA Accreditation Manager
- Supervising the Division lieutenants and Civilian Supervisors
- Research and Planning
- Policies
- Professional Standards Unit Lt. supervises:
 - Training, Licensing and Policies
 - Recruitment and Hiring
 - Complaint Investigations
 - Technology
 - CSO program
 - Animal Control
- Records Unit Manager supervises:
 - Records Management
 - Data retention and release
 - Department Forms
- 3. Budget and Grant Supervisor oversees:
 - DPD Budget
 - DPD payroll
 - Grants
- 4. Public Information Officer oversees
 - Internal and external communications
 - Social Media
 - Recruitment media
 - Media relations
- 5. Parking Unit Manager supervises parking enforcement of:
 - On street parking
 - City parking lots and parking ramps
 - Contract parking

200.6 UNITY OF COMMAND AND SUPERVISORY ACCOUNTABILITY

Each organizational section of the Department shall be under the direct command of only one supervisor. Supervisors are accountable for the activities of employees under their immediate control and each employee. Each employee is accountable to only one supervisor at any given time consistent with the chain of command. This does not prevent a supervisor from issuing an

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order or giving direction to an employee outside the supervisor's immediate responsibility when this is appropriate and/or necessary.

During normal day-to-day or routine operations, officers and investigators will act under the command of the supervisor assigned to their unit or crew, or the most senior officer present, unless otherwise directed by a supervisor of higher rank.

COMMAND PROTOCOL

The precedence of rank and command within the department are as follows:

- (a) Chief of Police
- (b) Deputy Chief of Police
- (c) Lieutenant
- (d) Sergeant
- (e) Investigator/Officer

During the temporary absence of the Chief of Police, the Deputy Chief shall perform all functions and duties as the Chief and will be assigned by the Chief of Police. During a temporary absence of the Chief of Police where a Deputy Chief cannot be assigned by the Chief prior to an absence, the Deputy Chief of Patrol will assume the acting Chief duties.

COMMAND-CRITICAL INCIDENTS

In exceptional situations or critical incidents, the ranking officer on duty or at the scene of the incident shall assume command of police personnel in a manner to ensure the most efficient and effective use of resources.

COMMAND-MULTI-DIVISIONAL OPERATIONS

In a single operation involving personnel from more than one division that is without a operational plan, the ranking officer involved will take charge of the scene.

CALEA 11.1.1, 11.2.1, 11.3.2, 11.4.1, 11.4.2, 11.4.3, 12.1.1, 12.1.2, 17.1.1

Policies, Directives and General Orders

201.1 PURPOSE AND SCOPE

It is the policy of the Duluth Police Department (DPD) to create, maintain, and disseminate written standards through a variety of documents which establish work conditions, rules and regulations, department orders, and other directives. Each employee is responsible for familiarization with all written directives and for notification of supervisory personnel when recognizing that a directive requires revision or update.

In order to accurately and effectively communicate information, the DPD maintains a policy manual consisting of directives. Other documents such as interdepartmental communication, personnel orders, memos and City of Duluth Policies are utilized to facilitate the flow of information and provide written guidelines for consistency and standardization of performance for specific work groups within the city

201.1.1 POLICIES

Policies give reference to the entire department including:

- They serve to define practices, direct procedures, state rules and regulations, and result in a change in, or addition to the DPD operations.
- Policies are issued only by the Chief of Police, except as noted in this policy, and are effective permanently unless revoked or replaced by another policy.

The composition of policies is a Duluth Police Department header, date, policy number, CALEA standard. Lexipol memorializes the effective date and any updates or changes to a policy.

201.1.2 PERSONNEL ORDERS

Personnel Orders are issued for the purpose of announcing the following:

- The appointment of new personnel
- The assignment or transfer of members from one unit to another
- The promotion or demotion of members from one rank to another
- The assignment to schools or other special assignment
- The restoration to duty following prolonged absence
- The resignation, retirement, or death of a member

Personnel Orders are issued only by the Chief of Police. Personnel Orders do not result in a change or addition to the Policy Manual and are not to be placed in the manual.

201.2 DIRECTIVES

Directives are issued to define policy and/or direct procedure in regard to specific circumstances, responsibilities, events or activities which are normally applicable only to a specific segment or activity of the department. Directives may be used to provide information or updates that require some procedural guidance but may not require updating of policy.

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Policies, Directives and General Orders

Directives may be issued by the Chief of Police.

201.2.1 DEPARTMENT MEMORANDUMS AND ELECTRONIC MAIL

Inter-department memorandums and electronic mail systems are utilized for written communication primarily as a device to direct, inform or inquire. They may be originated by any member and directed to any member of the department. Inter-department memorandums and electric mail systems may be used as follows:

- To disseminate information or instructions which do not warrant a formal order.

201.3 AUTHORITY TO ISSUE

The Chief of Police is the issuing authority for all written directives, including modifications. In the absence of the Chief of Police, the Deputy Chief shall have the authority to issue modifications. Any modifications issued by the Deputy Chief in the absence of the Chief of Police shall have the authority of policy/procedure but shall be subject to review and final approval by the Chief of Police.

201.4 KNOWLEDGE OF POLICIES, DIRECTIVES, PERSONNEL ORDERS AND MEMO'S

All employees shall familiarize themselves with all directives (policies, directives, personnel orders, memos), including those which have been disseminated during their absence(s) from duty. Supervisors shall assume responsibility to cover new directives with their subordinates. Briefings on new directives shall occur during shift briefing and training sessions.

201.5 POLICY REVIEW AND FORMULATION

Subject Matter Experts (SME) may be required to review specific policies and submit revisions. If possible, input shall be sought from multiple levels of the organization. Employees are encouraged to develop and utilize best practices, examine the use of new concepts, and to use available resources efficiently and effectively. When the need arises for a change in procedure(s), all employees are encouraged to assist in the research and development of new or revised directives or policies. Any suggestion to change policies may be submitted through the chain of command.

When a change is requested to a policy, the Accreditation Manager will review current policy and determine if the policy changes comply with CALEA standards. If the changes are needed, the Accreditation Manager will work with the appropriate Division Commander to assure that there is no conflict.

Once inputs are consolidated and revisions complete, the Accreditation Manager will submit to the Chief of Police for approval.

201.6 DISTRIBUTION AND STORAGE

Policies are stored and accessible to all employees through Lexipol. The Accreditation Manager and/or Accreditation Officer will be responsible for the dissemination of existing, new, and newly revised policies. Employees will be notified through email that a new policy or changes to an old policy exist, all employees will review the new or changed policy and accept it as required in Lexipol.

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Policies, Directives and General Orders

All department directives, personnel orders and memo's will be maintained by the Police Chief's office utilizing the I Drive and can be located under Orders and Memo's.

201.7 PURGING POLICY MANUAL

When a policy is updated or becomes obsolete, it will be archived both in PowerDMS and Lexipol.

CALEA 12.1.4, 12.2.1, 12.2.2

Administrative Communications

202.1 PURPOSE AND SCOPE

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

202.2 PERSONNEL ORDERS

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

202.2.1 DISTRIBUTION

Personnel orders dealing with assignments, transfers, and resignations will also be distributed to the following departments where files of such orders will be maintained:

- (a) Payroll
- (b) Human Resources

202.3 SURVEYS

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

202.4 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be distributed by the Chief of Police, their designee or Deputy Chiefs.

CALEA 12.1.4

Retiree Concealed Firearms

203.1 PURPOSE AND SCOPE

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

203.2 POLICY

It is the policy of the Duluth Police Department to provide identification cards to qualified former or retired Minnesota Peace officers as provided in this policy.

203.3 LEOSA

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

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

203.3.1 RETIRED OFFICER PHOTOGRAPHIC IDENTIFICATION

All Duluth Police Department officers leaving the Department's service who request a retiree photographic identification from the Department must leave the Department in good standing. A signed retiree photographic identification agreement will be required and the identification will remain the property of the Duluth Police Department. The identification must be returned, for any reason, to the Department if requested to do so.

203.3.2 LEOSA IDENTIFICATION CARD FORMAT

The retired officer photographic ID will serve as the LEOSA identification card. The card should contain a photograph of the former officer and identify him/her as having been employed by the Duluth Police Department as an officer.

If the Duluth Police Department qualifies the former officer, the LEOSA identification card or separate certification card should indicate the date the former officer qualified or otherwise found by the Department to meet the active duty standards for secondary/off duty firearms qualification to carry a firearm.

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Retiree Concealed Firearms

203.3.3 AUTHORIZATION

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

- (a) In possession of a Department issued photographic identification that identifies them as having been employed as a law enforcement officer, and one of the following:
 - (a) An indication from the person's former law enforcement agency that they have, within the past year, qualified or otherwise found by the law enforcement agency to meet agency-established active duty standards for secondary/off duty firearms qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 - (b) A certification, issued by a certified firearms instructor who is qualified to conduct a firearms qualification for active duty law enforcement officers within that state, indicating that the person has, within the past year, qualified or otherwise found to meet the standards for qualification established by the agency.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Minnesota law or by a private person or entity on their property if such prohibition is permitted by Minnesota and federal law.

203.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Watch Commander of their arrest or conviction in any jurisdiction, or that they are the subject of a court order, in accordance with the Reporting of Employee Convictions and Court Orders Policy.

203.4.1 RESPONSIBILITIES UNDER LEOSA

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

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

203.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or

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revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

203.6 FIREARM QUALIFICATIONS

The Use of Force Coordinator may provide former officers from this department an opportunity to qualify. Upon completion of the secondary/off duty firearm qualification course, former peace officers will receive a signed and dated LEOSA card. The signed LEOSA card is prima facia evidence the named, former officer successfully met the active duty standard.

203.7 SECONDARY/OFF DUTY HANDGUN QUALIFICATION COURSE - 30 ROUNDS

1 Yard Line - Step right draw, fire two rounds center mass, dominant hand only.

1 Yard Line - Step left draw, fire triple tap, two rounds center mass, one round head, dominant hand only.

REPEAT above drills using support hand only after strong hand draw.

3 Yard Line - Step right draw, fire two rounds center mass, two hand hold.

3 Yard Line - Step left draw, fire triple tap, two hand hold.

5 Yard Line - Step left draw, fire two rounds standing, two hand hold.

5 Yard Line - Step right draw, fire triple tap, two hand hold.

5 Yard Line - Step left draw, kneel by barricade, fire two rounds, two hand hold.

5 Yard Line - Step right draw, kneel by barricade, fire triple tap, two hand hold.

7 Yard Line - Draw as you drop behind a barricade, fire two rounds from side of barricade.

7 Yard Line - Draw as you drop behind a barricade, fire triple tap from side of barricade.

Handgun Purchase and Transfer Permit

204.1 PURPOSE AND SCOPE

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

204.2 APPLICATION PROCESS

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

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

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

204.3 INVESTIGATION

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

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

204.4 GROUNDS FOR DISQUALIFICATION

The Chief of Police, or designee, shall only deny a permit to an applicant when the applicant is prohibited by Minn. Stat. § 624.713 an/or 18 U.S. Code 922 from possessing a pistol or semiautomatic military-style assault weapon.

204.5 GRANTING OR DENIAL OF PERMIT

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

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

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Handgun Purchase and Transfer Permit

204.6 VOIDING PERMIT

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

Contractual Agreements

205.1 PURPOSE

Law Enforcement functions may involve entering into contractual services with entities outside of law enforcement. The purpose of this policy is to provide guidelines.

205.2 POLICY

It is the policy of the Duluth Police Department that when there is a contract for law enforcement services in place, all employees of the Duluth Police Department that fall under the contracts shall be protected so there is no chance of their employment rights, promotional opportunities, training opportunities, or fringe benefits to be threatened.

205.2.1 CONTRACTUAL AGREEMENTS

The Department may enter into contracts for law enforcement services. All contracts for law enforcement services shall be in the form of written agreements, and shall include, but not be limited to, the following elements:

- A. Clear identification of the specific services to be provided by all parties, including the nature and extent of those services.
- B. Specification of all financial agreements, including the time and manner of payment for services.
- C. In the case of inter/local agreements, designation of a lead agency and specification of that agency's responsibilities.
- D. Definition of the types, extent, and location of records to be maintained by the lead agency.
- E. Specification of the duration of the agreement.
- F. Specification of how the agreement may be modified, renewed, or terminated.
- G. Provision of clear responsibility for assumption of liabilities related to the agreement and for resolution of legal issues that may arise between parties.
- H. Provision that the Duluth Police Department shall retain ultimate authority over and responsibility for all of its personnel involved in fulfilling the agreement.
- I. Provision for the Duluth Police Department to be included in the oversight, periodic review, and revision of the agreement as needed.
- J. Contracts for law enforcement services may include inter/local agreements for regional services such as task forces, communications and other mutually beneficial multi-agency efforts.

205.2.2 CONTRACT SERVICES-MAINTENANCE OF EMPLOYEE RIGHTS

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Contractual Agreements

A. Department employees assigned to fulfill contract services shall be afforded all of the same rights and benefits they would have if they were not so assigned.

CALEA 3.1.1, 3.1.2

Accreditation Management

206.1 PURPOSE AND SCOPE

It is the policy of the Duluth Police Department to maintain internationally accredited status by meeting and exceeding the CALEA (Commission on Accreditation for Law Enforcement Agencies) accreditation standards.

206.2 POLICY

The purpose of this policy is to define the accreditation process, to establish a management system, which provides authority for administering the process, and delineating responsibilities for those involved in achieving and maintaining CALEA accreditation.

206.3 DEFINITIONS

- A. Accreditation: A certification process in which an agency or institution meets a body of professional standards.
- B. CALEA: Commission on Accreditation for Law Enforcement Agencies. Created by the joint efforts of the International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement Executives (NOBLE), National Sheriffs' Association (NSA), and Police Executive Research Forum (PERF).
- C. Mock Assessment: A stringent, voluntary, quality control review of an agency by knowledgeable practitioners (Assessors from outside agencies, and accreditation manager of CALEA) who act in the role of assessors.
- D. Procedure: Directions about how the employee will carry out a requirement or assignment.
- E. proofs of Compliance: Verification by documentation that the agency fully complies with the letter and spirit of an accreditation standard through its policies, procedures and practices.
- F. Site-Based Assessment: The official on-site review of an agency by the team of trained and certified assessors appointed by the CALEA.
- G. Standards: Major safety topics relevant to Law Enforcement that are continually subject to review and revision by the Commission's standards review and interpretation commission.

206.4 GENERAL INFORMATION

Created in 1979 as a non-governmental accrediting authority, the primary purpose of CALEA is to improve law enforcement services by creating a national body of standards by law enforcement professionals and accrediting those agencies that voluntarily demonstrate their commitment to excellence in law enforcement by meeting those standards. CALEA derives its general authority from the following four major law enforcement membership associations:

- A. International Association of Chiefs of Police (IACP)

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- B. National Organization of Black Law Enforcement Executives (NOBLE)
- C. National Sheriff's Association (NSA) and
- D. Police Executive Research Forum (PERF)

The standards upon which the Law Enforcement Accreditation Program is based reflects the current thinking and experience of law enforcement practitioners and researchers. Major law enforcement associations, leading educational and training institutions, governmental agencies, as well as law enforcement executives internationally, acknowledge CALEA's Standards for Law Enforcement Agencies and its Accreditation Programs as a benchmark for professional law enforcement agencies.

206.5 ACCREDITATION

206.5.1 ACCREDITATION MANAGER

The Accreditation Manager role is held by the Deputy Chief of Administrations or designee. The Accreditation Manager reports directly to the Chief of Police or designee. The Accreditation Manager is responsible for managing the process of accreditation and maintenance of the written directive system. Substantive content of policies and procedures are the responsibility of the pertinent DPD command staff in conjunction with the Accreditation Manager.

The Accreditation Manager or designee will maintain the written directive system, coordinate policy and procedure review, cooperatively maintain the administrative tracking process, utilize PowerDMS program to file documentation, proofs of compliance and track time-sensitive accreditation matters.

206.5.2 COMPLIANCE WITH CALEA STANDARDS

DPD will comply with all CALEA Standards, both "mandatory" and "other-than-mandatory", unless the standard is:

A. Determined to be "not applicable by function" by the DPD Accreditation Manager.

B. Waived by CALEA

OR

C. An "other-than-mandatory" standard that is determined to be impractical for the DPD to meet.

All DPD staff will comply with accreditation needs as defined by the Accreditation Manager and assist in compliance with CALEA standards by providing policy development, reports, data analysis and proofs of compliance as directed by the Accreditation Manager.

Every year for at least 60 days DPD will publish the CALEA access portal on our website for the public to post feedback regarding our initial accreditation or reaccreditation status.

206.5.3 ACCREDITATION TRAINING

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The Accreditation Manager will facilitate accreditation training for the DPD during the assessment phase prior to reaccreditation. Reaccreditation is a four-year process and all DPD employees will receive accreditation training during this cycle. New sworn employees will receive accreditation training during their recruit academy training. All non-sworn employees will receive accreditation training during their initial orientation training.

The Accreditation Manager and other employees assigned to specifically manage CALEA accreditation will, within one year of being appointed to this position, receive specialized accreditation management training through CALEA.

206.5.3 ACCREDITATION MAINTENANCE

Reaccreditation will remain a part of the DPD's Strategic Plan goals and objectives each year. To maintain accredited status, the DPD adheres to a four-year reaccreditation cycle. The DPD must remain in compliance with applicable standards during all four years of each accreditation cycle. The four years following an accreditation award are referred to as the assessment phase. During the assessment phase the following will occur:

- A. The Accreditation Manager determines and maintains compliance with all applicable CALEA accreditation standards.
- B. The Accreditation Manager compiles documentation and proofs of compliance to demonstrate compliance and prepares the accreditation files within the PowerDMS program.
- C. Selected accreditation files, statistical tables, and /or reports will be reviewed each year by CALEA as part of an annual web-based assessment.
- D. The Accreditation Manager will submit an Annual Status Report to CALEA each year.

At the conclusion of each four-year assessment phase, an on-site CALEA assessment will occur. This is followed by an official CALEA Commission review and subsequent award of reaccreditation issued by CALEA. Subsequent to each reaccreditation award, an assessment phase again begins in which DPD determines and maintains compliance with all applicable standards.

CALEA 11.4.3, 33.5.3, 33.5.4

Administrative Reporting and Form Management

207.1 PURPOSE AND SCOPE

A properly functioning administrative reporting system provides management information on the activities of the agency. Administrative reports will reflect imperative data and trends on activities, ensure effective and proper communication of information throughout the department and chain of command. The responsibility for tracking and updating of department forms shall reside with the Records and Technology Manager.

207.2 PROCEDURE

An administrative reporting program will be established and maintained that provides communication throughout the department and chain of command regarding imperative data and trends on crime activities. All department forms, whether electronic or paper, will have the original housed within the department I drive and will be managed by the Administrative Deputy Chief or designee.

A. Administrative Reporting

- a. Administrative reporting will provide timely information needed for the effective management of the department.
- b. Time sensitive and event related reports, reviews, or other activities will be detailed in the Administrative Reports listing, which will identify:
 1. Position responsible for formulation of the reports
 2. Frequency of the reports
 3. Distribution of the reports
 4. Associated accreditation reference number(s), if applicable
- c. The Administrative Division Deputy Chief or designee will be responsible for maintaining a current administrative report listing.
- d. Division Deputy Chiefs or designees will be responsible for insuring the completion and distribution of required reports, reviews, inspections, audits, analyses, or other activities specific to function under their command.

B. Accountability of Department Reports

- (a) Administrative reports will be developed by the appropriate Division Deputy Chief to ensure the desired purpose is achieved.
- (b) Approval of reports falls within the appropriate Division Deputy Chief. Requests for modifications to existing reports or an addition of a new report will be made in writing to the appropriate Division Deputy Chief.
- (c) Control of administrative reports and forms will be the responsibility of the Administrative Deputy Chief or designee.

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Administrative Reporting and Form Management

- (d) A master list of all approved department forms will be kept in the I drive. This list will be compiled, updated and managed by the Administrative Deputy Chief or designee. The forms from the I drive can be disseminated throughout the department for appropriate usage.
- (e) New forms or modifications to existing forms must go through the appropriate Division Deputy Chief or designee and must be in writing. All new or modified forms will be sent to the Administrative Deputy Chief or designee for tracking and housing in the I drive.

CALEA 11.4.1, 11.4.2

Planning and Research

208.1 PURPOSE

The purpose of this directive is to outline department planning, to include departmental goals and objectives. This also includes the duties and responsibilities of the Duluth Police Department's Planning and Research function.

208.2 PROCEDURE

The Planning and Research function of the Duluth Police Department is assigned by the Chief of Police. The person responsible for this task reports directly to the Chief of Police and has the primary responsibility for planning and research activities for major projects and to coordinate the planning process throughout the Police Department. This includes both short- and long-range planning involving departmental growth and financial sustainability through allotted budget and alternate funding sources.

208.2.1 DUTIES

The primary responsibility of Planning and Research is budget planning and management. Additional duties include, but are not limited to:

- Identify cost saving alternatives as well as alternate funding sources such as research and applying for grants.
- Provide support for budgeting, operations, planning, personnel allocation, contingency planning, etc.
- Liaison to the City of Duluth Finance Department and IT Department.
- Assist in short- and long-term planning for departmental needs to include,, but not limited to, capital equipment and capital improvement projects.
- Perform a variety of special projects as assigned.
- Prepare analytical reports and other studies as assigned by the Chief of Police.
- Maintain a close working relationship between all divisions and operating components of the Police Department.

208.2.2 MULTIYEAR PLAN

The Administrative Deputy Chief or designee (if different from the Administrative Deputy Chief), will be responsible for documenting and publishing the department's Multiyear Plan. The plan will include clear goals and objectives along with a plan for achieving them and will cover successive years beyond the current budget year.

The Multiyear Plan will include at minimum:

- Long-term goals and operational objectives
- Anticipated workload and population trends
- Anticipated personnel levels

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Planning and Research

- Anticipated capital improvements and equipment needs
- Provisions for review and revision as needed

The Multiyear Plan will be updated every calendar year and submitted to the Chief of Police.

208.3 DEPARTMENT GOALS AND OBJECTIVES

On an annual basis, the Duluth Police Department command staff will be responsible for the formulation of annual written goals and objectives for the department and their respective divisions. Established goals and objectives are made available to all agency personnel.

On a quarterly basis, the goals will be assessed for completion and feasibility. This assessment will be distributed to the Chief of Police and effected personnel.

CALEA 15.1.1, 15.1.2, 15.1.3, 15.2.1, 15.2.2

Professional Standards Unit-Training

209.1 PURPOSE AND SCOPE

The purpose of this section is to establish guidelines for the delivery of timely, effective training that meets the needs of the Duluth Police Department (DPD). It shall be the policy of the DPD to develop, support, and advance the skills, knowledge, and abilities of each employee through the training function. It is the ultimate goal of training to prepare employees to act correctly and decisively under a broad spectrum of situations, and to work with greater productivity and effectiveness.

209.2 PROCEDURE

Organization and Administration of Training - Department Training Goals

In general, the goal of training is to support and develop the employee's ability and desire to serve and protect the community.

Within the context of their particular job description, the training component will support employees in understanding what they are supposed to do and why they are doing it.

Training Function

The training function of the department will be staffed by employees of the entire department. The Professional Standards Unit, under the supervision of the Administrative Operations Division, is responsible for the development and coordination of the department's training programs. It is the Professional Standards Unit's responsibility to provide training for all sworn and non-sworn personnel in accordance with the goals of the agency.

The specific duties of the Professional Standards Unit are:

- Planning and developing training programs
- Notifying personnel of required training and training that is available
- Maintaining training records
- Ensuring that required training programs are attended
- Implementing training programs
- Selecting instructors
- Evaluating current instructors
- Evaluating training programs
- Coordinating training programs

Annual Training Program

All department sworn personnel will complete annual training to ensure they are kept up to date with new laws, technological improvements, and revisions in department policy, rules, and regulations.

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Professional Standards Unit-Training

Annual training is structured to motivate officers and to further the professionalism of the department. The training calendar shall be developed by the Professional Standards Unit. Training should include but is not limited to a review of the following topics:

- Department directives, policy, rules, and regulations
- Leadership
- Ethics and integrity
- Statutory or case law effecting law enforcement operations
- Use of force policy to include definitions, legal updates, and demonstrate proficiency with:
 - All lethal and Electronic Controlled Devices (ECD) annually
 - All other less lethal weapons and weaponless control techniques at least biennially
- Emergency medical procedures
- City required training sessions

Evaluation and Revision of Agency Training Programs

An annual evaluation of all training will be made in the last quarter of each year in conjunction with annual budget preparation. This evaluation will provide for updating and revising departmental training. The Administrative Deputy Chief shall be responsible for overseeing the annual review of department training. The Professional Standards Unit will be responsible for assessing the effectiveness of training initiatives and recommending any changes to the Administrative Deputy Chief.

The process includes the following:

- Review of new laws, court decisions, and departmental directives affecting department training.
- Evaluation of in-house and outside department training.
- A review of attendance and the training received.
- Identification of any problems with physical facilities, materials, and scheduling.
- Consultation with command staff and supervisors of specialty personnel programs, to ensure training meets or exceeds operational needs.

Developmental Resources

The Professional Standards Unit will use various sources of information to provide a legitimate measure of training needs. Training programs are to be developed utilizing all available resources, including but not limited to:

- Staff reports and/or meetings
- Consultation with field personnel and field observations

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- Training evaluations and surveys
- Annual training evaluation
- Internal Affairs investigative reports
- City Legal Department
- Accreditation standards

Attendance Requirements

The attendance by department personnel at department required training shall be mandatory and consistent with the following guidelines:

- Attendance will be documented of all agency-sponsored training, as well as training provided by outside vendors.
- Exceptions to mandatory training will be allowed under the following circumstances:
 - Personnel with prior vacation approval
 - Reasonable excuses such as illness, court appearances, personal emergencies, police business emergencies
 - In those incidents where a court appearance or an emergency extends to such a period of time that pertinent information in class cannot be made up, a student will report the lack of completion to the Professional Standards Unit. The Professional Standards Unit will schedule a makeup class if practical.
 - Unexcused absences from training programs shall be treated in the same manner as if the employee had an unexcused absence from work

Use of Resources, Public and Private

The Professional Standards Unit will identify, maintain, and continually update a file of potential resources in the public and private sector that are available to enhance training programs.

Inter-Agency Training

The Professional Standards Unit will encourage, promote, and coordinate the sharing of training between the DPD and other criminal justice agencies. This practice of sharing will help eliminate duplication of training efforts and:

- Increase operational and/or administrative effectiveness
- Improve inter-agency cooperation and coordination
- Promote better understandings between criminal justice agencies

Lesson Plans

The use of lesson plans will be required of all training provided in-house, as well as training provided by outside instructors.

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Professional Standards Unit-Training

Lesson plans will ensure that the subject to be covered is addressed completely and accurately, and is properly sequenced with other training material.

Lesson plans will address the purpose of the instructions, set forth the performance objectives, relate the training to critical job tasks, and identify the matters that will be taught.

- Lesson plans and/or training material will be submitted by the course instructors to the Professional Standards Unit prior to instruction and shall include:
 - A statement of performance and job-related objectives
 - The content of the training and specification of the appropriate instructional techniques (lecture, group discussion, panel, seminars, debate, and handouts)
 - List of resources used in the development of the curriculum
 - A list of resources required in the delivery of the program
 - Identification of any tests used in the training process
 - A process for approval of lesson plans

The Professional Standards Sergeant will be responsible for the final approval of lesson plans. This is to ensure lesson plans are consistent with department guidelines for lesson plan development, other department policies, and State requirements.

- Lesson plans and related records will be kept for a minimum of 30 years and may be kept longer if needed in accordance with all applicable laws.

Remedial Training

Remedial training is documented, personalized training to correct a specific deficiency identified by testing, and other evaluation processes during training or routine job performance.

Remedial training will be made available by the Professional Standards Unit as the need arises. Although timetables are difficult to impose upon remedial efforts (physical problems, injury, skill development, available seats, course type, and instructor availability); a period of one (1) year from the point of observed and documented failure will be considered reasonable.

Exception to the one (1) year time period may occur, for example, in critical skill areas such as firearms proficiency. These exceptions will be addressed on a case-by-case basis with input from instructor(s), immediate supervisor, the Professional Standards Unit, and by the Administrative Operations Division Deputy Chief.

At the end of one (1) year, or earlier in case of a critical skill area, if failure (or specific deficiency) still exists, then a determination will be made by the Administrative Operations Division Deputy Chief in conjunction with the instructor(s), immediate supervisor, and Professional Standards Unit, as to the issue of any deficiencies.

- A written recommendation will be drafted to the Chief of Police. Disciplinary action may result.

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- Members assigned to remedial training shall show participation efforts in remedial training. Failure to do so may result in disciplinary action as recommended by the Chief of Police.

For individual skill policies, see Lexipol policies 302 Control Devices, 303 Conducted Energy Weapons, 304 Duty Firearms, 403 Tactical Response Team.

Training Records

Training records of all personnel are maintained by the Professional Standards Unit, and include:

- Dates and times of attendance
- Type of training and hours
- Attendance and test scores
- Certificates received

Records of Training Classes

The Professional Standards Unit will maintain records of training classes. At a minimum, the file will include:

- Course content (lesson plans, title)
- Name of attendee(s)
- Test and/or performance results, if administered

The Professional Standards Unit will be responsible for the documentation, administration, and control of all records related to the training of departmental personnel.

Reimbursements

Reimbursements shall be allowed per the City of Duluth policy. Refer to The Bridge website for mileage and travel policies.

In-service Training

All sworn personnel will complete annual in-service training to consistent with the position held and functions performed and to include legal updates. Additional training may include but not be limited to the following:

- City mandated training
- Refresher training
- Specialized training
- Career development
- Promotional training
- Advanced training
- Roll call training

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Professional Standards Unit-Training

- International Association of Chiefs of Police (IACP) Conference
- Federal Bureau of Investigations National Academy Associates (FBINAA)
- Management Training Schools

The purpose of in-service training sessions is to provide departmental personnel with:

- Legal updates
- Supplemental training on advances, changes and improvements in the law enforcement profession
- Requisite training in conjunction with assignment of specialty duties
- Promotional training
- Executive development training for higher-ranking officers

Each officer will receive annual in-service training on the department's policies, proficiency with any approved weapons they are authorized to use, and weaponless control techniques with a potential for serious injury. This training may be known as defensive tactics.

- Proficiency training in this area will be monitored by a certified instructor(s).
- At this period in time all authorized weapons and associated equipment will be viewed and inspected. All training, proficiency, and inspections will be documented in the department's training records. These will be maintained by the Professional Standards Unit.
- All sworn members shall meet the annual weapons qualification requirements, including the qualifications for primary and secondary weapons.

In-service training sessions should be structured in such a way as to motivate personnel and further the professional development of the department. Topics suited to in-service retraining sessions may include:

- Department policy, procedures, rules, and regulations
- Changes in the law and/or technological improvements
- Performance evaluations - process and purpose
- Report writing skills
- Crime scene responsibilities
- Safety practices
- Civil liability
- Proper use of discretion
- Court decision updates

Required skills, knowledge, and abilities for in-house instructors:

- Work-related experience (preferably a minimum of two (2) years)

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Professional Standards Unit-Training

- Formal training and/or certification in the topic of instruction
- Good verbal communications skills

Selection and approval of qualified instructors for the department's in-service training program shall follow a process of application, review of work history and oral interview before selection.

In-House Instructors

Required skills, knowledge, and abilities for in-house instructors:

- Work-related experience (preferably a minimum of two (2) years)
- Formal training and/or certification in the topic of instruction
- Good verbal communications skills

Instructors may remain as in-house instructors so long as their evaluations, performance, and interest are acceptable.

The Professional Standards Unit will be responsible for ensuring in-house instructors are familiar with the following areas:

- Creating a beneficial learning environment
- Lesson plan development
- Performance objectives development
- Instructional techniques
- Learning theory
- Testing and evaluation techniques
- Resource availability and use

Prior to assuming any teaching responsibilities, all instructors will be vetted and approved in their area of instruction. Instructor certifications are managed by the Professional Standards Unit.

Instructors Outside the Department

- The Professional Standards Unit will be responsible for selecting appropriate instructors and vendors for in-service training available from outside the department with approval from the Administrative Division Deputy Chief
- Selection will be based upon need as articulated by various organizational components and a training needs analysis
- Compensation for instructors and vendors for in-service training received outside the department will be arranged, as needed, by the Budget Supervisor

Roll Call Training

Officers will occasionally obtain short training topics that can be presented during the normal pre-shift roll call session with their respective shift supervisor or other assigned personnel. These short sessions can be an effective tool in an officer's professional development and training.

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Professional Standards Unit-Training

Process for conducting shift roll call training;

- Prior to any roll call training being presented, instructors will provide the training division with an outline of the topic being presented not less than 10 days prior to presentation when possible
- The Professional Standards Unit will review and approve the training topic and manner or media it is presented in. This is done to ensure that the training is consistent department wide and within the profession.
- The proposed instructor will provide justification as to their knowledge, skills and expertise in the topic being presented
- Once approved, the training may be conducted in accordance with this directive
- Training that has not been approved will not be presented in any manner.

The training sessions will be presented so as not to interfere with normal department operations or its core mission of providing service to the public.

Training topics will be presented in the most efficient and effective manner that is informative, interesting and timely. These topics should be directly related to the duties and responsibilities of a police officer. Extraneous topics should be avoided.

Prior to training, the objectives should be presented up front and should be clear. The training presented should clearly outline these desired objectives. A review of the objectives should be completed once the training is finished.

Roll call training session should be documented by the shift supervisor using the training form required by the PSU for documenting roll call training sessions. The documentation will be sent to the PSU. The PSU will store these documents in a file in the I drive under Training: Roll Call and the year.

The training sessions are short in duration and should comply with all departmental directives. Training presented that contradicts departmental directives or policies may not be presented without approval of the Chief of Police, Administrative Deputy Chief or other person designated by the Chief of Police.

Civilian Training

All non-sworn employees will receive initial orientation appropriate for their position. At a minimum, the orientation will include:

- An overview of city and police department operations to include the work environment and regulations
- Review of applicable contracts
- Policy/personnel manuals including the agency's roles, purpose, and goals.
- Expected rights and responsibilities of the employee
- Expectation of work quality

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Professional Standards Unit-Training

- Entry level Mental Health training

Training will be administered by designated personnel for all requirements in the respective job description to include, but not limited to:

- Record Technicians
- Administrative Assistants
- Animal Control Officers
- Property Technicians
- Community Service Officers

Non-sworn personnel may also request specialized and advanced training for skills necessary to perform their duties. All such requests should be routed through their supervisors to the Professional Standards Unit.

CALEA 4.1.2; 4.3.3, 12.1.4; 33.1.2; 33.1.3; 33.1.4; 33.1.5; 33.1.6; 33.1.7, 33.5.1; 33.5.2; 33.7.1; 33.7.2; 41.2.7

Staffing, Workload Assessment, Job Description and Policy Maintenance

210.1 PURPOSE AND SCOPE

Establishing procedures for determining the most effective utilization of department personnel by using the City of Duluth's position management system for tracking personnel and periodic workload assessments to help aid in personnel distribution as well as maintaining an up to date accounting of all job descriptions to accurately reflect current work being done.

210.2 POSITION MANAGEMENT SYSTEM

The City of Duluth utilizes a position management system which is updated upon personnel changes. The position management system provides the following information:

- (a) The number and type of each position authorized in the department's budget
- (b) Location of each authorized position within the department's organizational structure and
- (c) Position status information, whether filled or vacant, for each authorized position in the department

210.3 WORKLOAD ASSESSMENT

A. The purpose of a documented workload assessment is to encourage the equalization of individual workloads among and within department's organizational components to increase efficiency and effectiveness.

- (a) This process allows the department to determine the overall number of personnel required to fulfill its objectives.

B. The allocation of personnel within all organizational components shall be based on documented workload assessments.

- (a) Such workload assessments shall be completed at least once every four (4) years by each unit Lieutenant, and shall be based on the nature or number of a particular component's tasks and their complexity, location and time required for completion.
 - 1. Unit Lieutenants or their designee shall be responsible for completing a documented workload assessment by December 31st 2023 and every four (4) years thereafter.
 - 2. The results of this workload assessment shall be documented in a report and submitted to the Chief of Police.

C. The allocation of personnel shall consider the following:

- (a) The number of incidents/tasks handled during a specified period:
- (b) The average time required for handling incidents/tasks by using a sampling of cases worked:

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Staffing, Workload Assessment, Job Description and Policy Maintenance

- (c) Calculation of time, on average that should be available to handle incidents/tasks: and
- (d) Time lost through days off, holidays and other leaves.

D. Patrol and Community Policing officers should be distributed in accordance with temporal and geographic distributions of incidents, the general geography of the City of Duluth and/or in accordance with community policing strategies.

- (a) Information that can be used may consist of, but shall not be limited to the following:
 - Call load
 - Arrest data
 - Crime statistics
 - Citations issued
 - Problem solving activities
 - Quality of life issues
 - Community presentations
 - Crime prevention initiatives
 - Community needs
 - Job tasks

E. The Chief of Police shall make the final determination for all reallocations of personnel among the department's organizational components.

210.4 JOB DESCRIPTION MAINTENANCE

The Duluth Police Department will review all job descriptions every four (4) years. The following unit supervisors will review any and all job descriptions falling under their supervision to include Job posting falling under their supervision by Dec 31st of 2023 and every four (4) years thereafter. The patrol job description and any job postings falling under patrol will be reviewed by the Deputy Chief of Police or his designee.

Records

Special Investigative Unit/LSDVCTF

Major Crimes

Budget and Grants

Professional Standards

East and West Community Policing

Parking

Animal Control

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Staffing, Workload Assessment, Job Description and Policy Maintenance

210.5 POLICY MAINTENANCE

The Duluth Police Department will review all policies every four (4) years. The Administrative Deputy Chief and/or CALEA Manager will determine an appropriate rotation to review all policies in a four (4) year cycle. The Administrative Deputy Chief will send out the list of policies being reviewed to all employees for their input. The review of policies each year will be assigned to Command Staff personnel by the Administrative Deputy Chief and/or CALEA Manager.

CALEA 21.2.2, 21.2.3, 21.2.4

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

The Duluth Police Department values and respects the sanctity of every life and identifies our role as a lifesaving organization. When officers are engaged in law enforcement activities, there is an immense responsibility that comes with the authority to use reasonable force, including deadly force, in overcoming resistance and/or protecting the public. The Duluth Police Department emphasizes the use of de-escalation and less lethal options in use of force encounters and trains our officers to be adept at using these tools when appropriate. As such, we have policies, procedures, and training which encourage tactics and strategies to generate voluntary compliance. It is the Duluth Police Department's expectation officers will make tactically sound, reasonable use of force decisions which demonstrate our value of every life.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or great bodily harm.

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

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

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

Any officer present, regardless of tenure or rank, and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a

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position to do so, intercede verbally and physically to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

The Duluth Police Department's use of force is governed by an objective reasonable standard. Our force deployment is determined by the level of resistance and circumstances presented to us. An officer adapts their use of force response to overcome resistance and generate compliance with what tools and tactics are reasonable and appropriate. In using any tools and tactics in the list of options an officer has; officer presence, verbal commands, soft empty hand controls, hard empty hand controls, pressure points, chemical aerosol, Taser, less lethal, deadly force, tactical disengagement, an officer may go from one to the other as the situations unfolds being governed by the objectively reasonable standard. An officer can start with and end with any tool or tactic as long as it is objectively reasonable.

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

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

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

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

Nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. **However, this policy does recognize that a tactical retreat may be reasonable given the totality of the circumstances.**

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

- (a) In effecting a lawful arrest.
- (b) In self-defense or defense of another.

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- (c) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.
- (d) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.
- (e) In executing any other duty imposed by law.
- (f) In enforcing an order of the court.
- (g) In the execution of a legal process.

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

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- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

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

300.4 DEADLY FORCE

Deadly force should only be used if no other options are reasonably available to address a situation. The Duluth Police Department will, when reasonable, use lesser force than deadly force in situations that can be resolved with a lesser use of force. When practical officers shall give warning before use of their firearm. Use of deadly force is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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

- (a) The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.
- (b) The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

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300.4.1 LIMITATIONS OF THE USE OF CERTAIN RESTRAINTS

1. Except in cases where deadly force is authorized as articulated in Minnesota § 609.066 to protect the peace officer or another from death or great bodily harm, officers are prohibited from using:
 - (a) Chokeholds;
 - (b) Tying all of a person's limbs together behind the person's back to render the person immobile; or
 - (c) Securing a person in any way that results in transporting the person face down in a vehicle.
2. Less than lethal measures must be considered by the officer prior to applying these measures.

300.4.2 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.3 WARNING SHOTS

Due to the potential of unintended serious injury or death, the discharge of a firearm for the purpose of a warning shall be prohibited.

300.5 REPORTING THE USE OF FORCE

Any use of force greater than handcuffing a cooperative person by a member of this department shall be documented promptly, completely and accurately by an appropriate narrative report, and Subject Resistance Report. This includes the pointing of aerosol spray, Taser, less lethal or firearm. When a Subject Resistance Report is completed, officers will forward the report to their supervisor for review.

The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. The purpose for the Subject Resistance Report is to collect data for training, resource allocation, analysis and other related purposes.

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.

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- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER (TM) device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATION

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

Supervisors should respond to a scene where the use of force is likely.

When a supervisor is notified of an application of force in accordance with section 300.5.1, the supervisor is expected to:

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

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- (b) Ensure that any injured parties are examined and treated.
- (c) Ensure all injuries are documented and/or photographed.
- (d) Ensure witnesses not already included in related reports are identified.
- (e) Review and approve all related reports.
- (f) Evaluate the circumstances surrounding the incident and notify the Watch Commander.

300.7.1 WATCH COMMANDER RESPONSIBILITY

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

300.8 TRAINING

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

At the completion of all training in the use of lethal and less lethal weapons, officers shall receive a copy of the department policy on the use of all included weapons as well as the curriculum employed to deliver the training. The receipt of policy and curriculum will be documented and the documentation retained by the Use of Force Coordinator.

300.9 ANNUAL ANALYSIS OF USE OF FORCE

The Professional Standards Unit shall submit an annual analysis of use of force activities, policies, and practices to the Chief of Police. At minimum, the analysis shall include the following information:

- (a) Date and time of incidents
- (b) Types of encounters resulting in use of force
- (c) Trends or patterns related to race, age, and gender of subjects involved.
- (d) Trends and patterns resulting in injury to any person to include employees.
- (e) Recommendations based on the findings of the analysis on policies, practices, equipment, and training.

As part of the annual use of force analysis report, Professional Standards Unit shall include a section to review all assaults on sworn officers to determine trends or patterns. The review shall offer recommendations to enhance officer safety, revise policy, or address training issues.

CALEA 1.2.10, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.6, 4.1.7, 4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.3.4

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.2.1 USE OF FORCE COORDINATOR'S RESPONSIBILITIES

The Administrative Deputy Chief or designee will conduct a preliminary assessment when the use of deadly force involves the discharge of a firearm. The purpose of this assessment is to form an initial determination of whether the firearm's discharge was:

- in compliance with state statute and Department policy;
- accidental; or
- the result of an equipment malfunction.

This assessment will also include an initial evaluation of tactical firearms training.

When the use of deadly force does not involve the discharge of a firearm, the Use of Force Coordinator will assume the same responsibilities as outlined above.

The Use of Force Coordinator will forward the findings to the Use of Force Review Board.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENTS

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

301.4 REVIEW BOARD

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

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

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The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

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

301.4.1 COMPOSITION OF THE BOARD

The Administrative Deputy Chief will select up to five Use of Force Review Board members which may include the following:

- Involved members Lieutenant
- Use of Force Coordinator or designee
- three members from various positions

The senior ranking command representative who is not in the same XXX as the involved employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

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

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

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

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Control Devices

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

302.4 RESPONSIBILITIES

302.4.1 WATCH COMMANDER RESPONSIBILITIES

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

302.4.2 USE OF FORCE COORDINATOR RESPONSIBILITIES

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

Every control device will be periodically inspected by the Use of Force Coordinator or the designated instructor for a particular control device. The inspection shall be documented.

302.4.3 USER RESPONSIBILITIES

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

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

302.5 BATON GUIDELINES

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

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

302.6 TEAR GAS GUIDELINES

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

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

302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

302.7.1 OC SPRAY

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

302.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

302.8 POST-APPLICATION NOTICE

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

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302.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

302.9.1 DEPLOYMENT AND USE

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

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

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

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

302.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

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

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

302.10 TRAINING FOR CONTROL DEVICES

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

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

302.11 DOCUMENTATION

Any application of a control device or technique listed in this policy shall be documented in a narrative report and a subject resistance report pursuant to the use of force policy.

CALEA 4.3.2

Conducted Energy Weapons Guidelines

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUANCE AND CARRYING CEWS

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

Officers are issued a CEW to carry for their respective assignments. Those leaving a particular assignment may be required to return the device to the department's inventory. Each officer is responsible for the secure storage of their CEW when not working their current assignment. Additionally, it is the responsibility of each officer to ensure their CEW is kept in clean working order. This includes the working condition of the CEW, battery, and cartridges. If an officer identifies an issue with any of the parts of the CEW, they are to notify the Use of Force Coordinator to rectify the issue.

It is also the responsibility of the officer to ensure their CEW battery is operating on the current firmware version. Updates to the firmware come from the battery of the CEW. Updating the firmware is accomplished by placing a new battery from the docking station in to the CEW.

Officers shall only use the CEW and cartridges that have been issued by the Department. Officers who have been issued the CEW shall wear the device in an approved holster on their person.

Members carrying the CEW should perform a spark test on the unit prior to every shift the CEW will be carried.

When carried while in uniform, officers shall carry the CEW in a weak-side holster on the side opposite the duty weapon. The holster should be oriented to carry the CEW in a position which supports drawing the CEW with their non-dominant hand. Officers are not authorized to carry the CEW on their external carrier or load bearing external carrier with Molle.

- (a) All CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.
- (c) Officers should not hold both a firearm and the CEW at the same time.

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303.4 VERBAL AND VISUAL WARNINGS

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

The purpose of the warning is to:

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

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

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

303.5 USE OF THE CEW

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

303.5.1 APPLICATION OF THE CEW

The CEW may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

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

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

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

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- (e) Individuals fleeing on foot.
- (f) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based chemical aerosol weapons.
- (g) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CEW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

303.5.3 TARGETING CONSIDERATIONS

When feasible reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CEW probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE CEW

Officers should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. When officers deploy the CEW, assisting officer(s) should handcuff the individual while the CEW is discharging. This should likely decrease the need for additional CEW applications. Multiple applications of the CEW against a single individual are not allowed except when the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

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

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should immediately call for EMS to respond and remain vigilant about excited delirium and other health factors. Officers shall notify a supervisor of all CEW discharges. The expended cartridge, along with both probes and wire should be photographed and placed into evidence. This photograph should include the cartridge serial number. Photographs are taken to demonstrate

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that no part of the probe was left in the suspect. Officers shall download the CEW data as soon as practically possible following a deployment. The download is required after the application of a drive stun as well.

303.5.6 DANGEROUS ANIMALS

The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. Officers should plan on a restraint device to be applied to the animal if it is to be transported.

303.5.7 OFF-DUTY CONSIDERATIONS

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

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

303.6 DOCUMENTATION

Officers shall document all CEW discharges in the related narrative report and the Subject Resistance Report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

303.6.1 REPORTS

The officer should include the following in the narrative report:

- (a) Identification of all personnel firing CEWs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

303.7 MEDICAL TREATMENT

Absent extenuating circumstances, officers may remove CEW probes from a person's body. Used CEW probes shall be treated as a sharps bio-hazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken. Officers must examine probe upon removal to determine if the probe is intact. Probes are to be photographed and entered into evidence. Photographs of probe sites and any additional injuries should be taken.

All persons who have been struck by CEW probes or who have been subjected to the electric discharge of the device shall be closely monitored by the officer to determine any need for medical attention or changes in condition prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person may be pregnant.

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- (b) The person reasonably appears to be in need of medical attention or condition has changed.
- (c) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (d) The person requests medical treatment.

Any individual exhibiting signs of distress shall be transported by ambulance to a medical facility for examination. Any individual who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

303.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor will review each incident where a person has been exposed to an activation of the CEW. The device's onboard memory should be categorized by docking the CEW battery in a docking station as required by the CEW functionality. It is the responsibility of the officer who deployed the taser to have their officers's Lieutenant or Use of Force Coordinator, categorize the deployment through Evidence.com and forwarded to the Use of Force Coordinator via BlueTeam use of force reporting. Supervisors are responsible for ensuring that the download of the CEW and completion of the report occur as soon as practically possible.

303.9 TRAINING

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CEW for a period of one year shall be recertified by the department-approved CEW instructor prior to again carrying or using the device.

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

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

The Use of Force Coordinator is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification

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Voluntary exposures of CEWs during training can result in injury to personnel and is not mandatory for certification.

The Use of Force Coordinator should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing non-dominant hand draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CEW and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CEW.

Firearms

304.1 PURPOSE AND SCOPE

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

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

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

304.1.1 AUTHORIZATION TO CARRY FIREARMS

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

304.2 POLICY

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

304.3 AUTHORIZED FIREARMS

No duty firearms will be carried that have not been thoroughly inspected by the Use of Force Coordinator, or a department armorer, during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no duty firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

Officers are authorized to carry only those weapons covered by department policy. Officers must get written authorization from the employee's Deputy Chief to carry any other weapon with the exception of a folding pocket or fixed blade knife. Officers are not authorized to carry a duty firearm in an exposed position on their external carrier or load bearing external carrier with Molle.

304.3.1 DUTY HANDGUN

The department-issued handgun is the Smith and Wesson M&P9 full size 9mm.

MAKE	MODEL	CALIBER
Smith and Wesson	M&P9 full size	9mm SW
Smith and Wesson	M&P9 compact	9mm SW
Smith and Wesson	M & P Shield Plus	9mm SW

304.3.2 AUTHORIZED SECONDARY FIREARMS

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

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

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- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm shall be the responsibility of the officer.
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The firearm shall be inspected by the Use of Force Coordinator prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (f) Ammunition shall be department issued.
- (g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency, safe handling, and that the firearm functions properly.
- (h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Use of Force Coordinator.

304.3.3 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for Department-issued handguns and approved secondary handguns every other year. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Use of Force Coordinator or designee, when needed, in accordance with established procedure.

304.3.4 ALCOHOL AND DRUGS

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

304.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member. All firearms stored at the Duluth Police Department must be stored in a secure and locked cabinet or similar setting.

304.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Use of Force Coordinator.

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

Any repairs or modifications to the member's personally owned firearm shall be done at their expense and must be approved by the Use of Force Coordinator.

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304.4.1A LOSS OR REPLACEMENT OF FIREARMS

Any loss of department issued firearms shall immediately be reported by the assigned officer to their immediate supervisor who will go through the Chain of Command and notify their Division Commander.

- If the weapon was stolen, an Incident Report shall be made.

304.4.2 HOLSTERS

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

304.4.3 WEAPONS LIGHTS AND LASERS

Only approved lighting systems are permitted with any firearms used on-duty.

- Officer's may not install and/or use laser systems on their on-duty weapons (department or personally owned).

304.5 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms (Minn. Stat. § 626.8452 Subd. 3). Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

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

304.6 FIREARM DISCHARGE

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

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

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

304.6.1 UNSAFE WEAPONS

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Any weapon which is determined to be unsafe through officer reports, inspections, or malfunction will be removed from service immediately.

- If the weapon is department issued, another department weapon will be issued.

Any time an officer has an issue with a firearm, they should contact an armorer or the Lead Firearms Instructor as soon as possible.

- Department firearms that are unsafe and/or not functioning properly should not be used or carried on-duty. Any unsafe and/or not properly functioning firearm should be turned into the Lead Firearms Instructor or an armorer, if available, or otherwise turned into the vault and an email sent to the Lead Firearms Instructor.

304.7 USE OF FORCE COORDINATOR DUTIES

The range will be under the exclusive control of the Use of Force Coordinator. All members attending will follow the directions of the Use of Force Coordinator. The Use of Force Coordinator will maintain a roster of all members attending the range and will submit the roster to the Professional Standards Lieutenant after each range date. Failure of any member to sign in and out with the Use of Force Coordinator may result in non-participation or non-qualification.

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

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

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

The Use of Force Coordinator shall complete and submit to the Professional Standards Lieutenant documentation of the courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided, and, on a form that has been approved by the Department, a list of each member who completes the training. The Use of Force Coordinator shall keep accurate records of all lethal and less than lethal weapons issued, training shoots, qualifications, repairs, maintenance, or other records as directed by the Professional Standards Lieutenant.

304.8 FLYING WHILE ARMED

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

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

304.9 CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry the officer's Duluth Police Department identification card whenever carrying such weapon.
- (b) The officer is not the subject of any current disciplinary action.

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- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

304.10 PATROL RIFLES

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Duluth Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

304.10.1 DEFINITIONS

Patrol Rifle: An authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. Personally owned rifles may be carried for patrol duty provided they are preapproved by the Use of Force Coordinator.

304.10.2 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and issued by the Department, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the .223/5.56 AR-15 style rifle. Personally owned rifles must have a secondary sighting system (iron sights) approved by the Use of Force Coordinator. All rifles must have an original design shoulder stock, no "pistol" style braces. Only department owned short-barreled rifles (SBR) are allowed.

304.10.3 RIFLE MAINTENANCE

- (a) Primary responsibility for the maintenance of Department owned patrol rifles shall fall on the assigned officer, who shall inspect and service their patrol rifle on a regular basis.
- (b) Each patrol officer assigned a patrol rifle is required to field strip and clean their assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor, the Use of Force Coordinator, or armorer.
- (d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

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- (e) Each patrol rifle shall be subject to inspection by a supervisor, the Use of Force Coordinator, or armorer at any time.
- (f) No modification shall be made to any patrol rifle whether Department or personally owned, without prior authorization from the Use of Force Coordinator. Such modifications are to be recorded in the Department firearms database.

304.10.4 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete Department firearms training and firearms proficiency qualification conducted by the Department's firearms instructor.

Any officer who fails to qualify, or, who fails to successfully complete two or more Department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully completing remedial training and re-qualifying according to the initial patrol rifle operators course qualification.

304.10.5 DEPLOYMENT OF THE PATROL RIFLE

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

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's fire power.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When appropriate to aid in the dispatch of an animal.

304.10.6 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by Policy 300, Use of Force.

304.10.7 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty, the bolt is closed, and a magazine is inserted into the magazine well. It is highly recommended that magazines should be downloaded by two from their max capacity.

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304.10.8 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in the officer's locked Department locker or at their residence in a locked locker.
- (b) In-service patrol rifles should be secured in the vehicle gun rack or cased and locked in a squad trunk.

304.11 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by all licensed officers, upon completion of 304.1.1, while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Licensed officers who choose to carry a firearm while off-duty, based upon their authority as a peace officer, will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Department.
- (b) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (c) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the officer to submit the firearm to the Use of Force Coordinator for inspection prior to being carried. Thereafter, the firearm shall be subject to periodic inspection by the Use of Force Coordinator. Prior to carrying any off-duty firearm, the officer shall demonstrate to the Use of Force Coordinator that he/she is proficient in handling and firing the firearm, and that it will be carried in a safe manner.
- (e) The officer will successfully qualify with the firearm prior to it being carried and thereafter at each Department firearm qualification. The range qualification dates will be specified by the Use of Force Coordinator.
- (f) A complete description of the firearm shall be contained on the qualification record approved by the Use of Force Coordinator.
- (g) If any member desires to use more than one firearm while off-duty, they may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.
- (h) Officers shall only carry department-authorized ammunition.
- (i) When armed officers shall carry their department identification card.

304.12 POLICE FIREARMS RANGE

It is the policy of the Duluth Police Department to utilize a shooting range operated by the Department in a safe manner while developing the skills and abilities of officers to use firearms and other weapons to perform the functions of their duties in a safe and effective manner. The safety of all personnel shall be a primary concern and all individuals are expected to adhere to the highest standards of safety during firearms range activities.

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304.13 SAFETY

The following rules of weapon safety shall be adhered to during any firearms or applicable less lethal training. Applicable less lethal training shall be any less lethal training in which a gun or a gun type device is utilized to fire a projectile (e.g. less lethal shotgun, Taser, any weapon utilizing simulated munitions, etc.).

- (a) Treat all weapons as though they are loaded.
- (b) Point the muzzle in a safe direction at all times.
- (c) Keep your finger outside the trigger guard until you are on target to fire.
- (d) Be sure of your target and what is beyond.

The following safety rules shall be utilized during any firearms or applicable less lethal training. Firearms/less lethal instructor(s) shall be in charge of the training; however, everyone has the responsibility to ensure the following rules and safety procedures are followed. Any violations of the following rules shall be reported to a training instructor or supervisor and immediately corrected.

- (a) All participants, instructors, and observers utilizing a shooting range are required to use available safety equipment to include proactive body armor, as well as eye and ear protection. Additional safety equipment may be required depending on the type of training or as required by the instructor.
- (b) Upon taking control of a weapon, lock the slide back and open the cylinder. Visually and physically check to see if the weapon is unloaded. Check the weapon a second time. This shall be completed utilizing a firearm loading/unloading device or by pointing the weapon down range when safe to do so.
- (c) Never give or take a weapon unless the slide is locked back or the cylinder is open.
- (d) Make live a weapon only after position is taken on the firing line and the command to make live the weapon by the firearms or less lethal instructor is given.
- (e) Unload, re-load, de-cock, or unlock as instructed by the firearms or less lethal instructor.
- (f) When not holstered or secured in a case, weapons shall be pointed down range at all times.
- (g) While on the range, never draw your weapon from the holster unless instructed to so.
- (h) Never draw or holster with your finger in the trigger guard.
- (i) Never holster a cocked weapon.
- (j) Never leave your firing point unless instructed to do so by a firearms or less lethal instructor.
- (k) Never go forward off the firing line unless instructed to do so by a firearms or less lethal instructor.
- (l) Never bend over to retrieve dropped items on the firing line until instructed to do so by a firearms or less lethal instructor.

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- (m) No talking on the firing line except by or with an instructor.
- (n) Pay strict attention to the firearms or less lethal instruct.
- (o) Never anticipate a command.
- (p) Never permit the muzzle of a weapon to touch the ground.
- (q) Conduct a safety check on your weapon before and after training.
- (r) Never dry fire your weapon on the range unless instructed to do so by a firearms or less lethal instructor.
- (s) Acknowledgement of the above stated safety rules shall occur before each use of the range in at least one of the following manners:
 - (a) Each participant shall review and sign a printed copy of the safety rules. Signed acknowledgement shall be required of outside agency instructors and officers utilizing an indoor range.
 - (b) Instructors may review the safety rules with a group documenting the review in the training outline or lesson plan.
 - (c) A copy of the rules shall be posted in a prominent location within the indoor range and be reviewed prior to use. The instructor in charge of the training shall ensure the rules are reviewed by all participants prior to use.
 - (d) Any firearms or applicable less lethal training shall require a certified instructor in the applicable weapon system being present, controlling the training, and ensuring all required safety procedures as outline in this policy are being followed.
 - (e) All firearms and applicable less lethal instructors shall be required to maintain certification in First Aid/CPR. In addition, all firearms and applicable less lethal instructors shall receive additional training in traumatic injury first aid that addresses initial treatment of firearm type injuries.
 - (f) During any range use, a first aid kit with specific supplies capable of treating a traumatic injury (e.g. tourniquet, blood stoppers, etc.) shall be on hand at all times. It shall be the responsibility of the instructor to ensure the kit is on-site and has proper supplies prior to any range use.
 - (g) Any injury sustained on any firearms range shall be immediately reported to the firearms or less lethal instructor. The instructor shall determine the need for immediate medical treatment and request the appropriate medical response as needed. As soon as practical, the instructor shall report the incident to the Use of Force Coordinator. If injures are sever enough to require outside medical treatment, the Use of Force Coordinator shall notify the Chief of Police as soon as practicable.
 - (h) Based on the severity of the incident causing injury, the Use of Force Coordinator may request documentation from the instructor and/or the injured party. The documentation shall assist the Department in determining policy/procedure violations as well as a means to prevent future safety incidents.

CALEA 4.3.1, 4.3.2, 4.3.5

Vehicle Pursuits

305.1 PURPOSE AND SCOPE

Vehicle pursuits pose an extreme danger to officers and civilians; therefore it is the responsibility of the department to guide its officers in the safe and reasonable performance of their duties. To accomplish these goals, this policy is provided to regulate the manner in which vehicle pursuits are undertaken and performed. The reason for the pursuit must justify the extreme risk involved in engaging in the pursuit. When engaged in emergency vehicle operations in the performance of a vehicle pursuit, drivers of authorized emergency vehicles are granted exemptions, by statute, from certain traffic laws. These exemptions are provided to help protect lives, not to place them at undue risk.

305.2 DEFINITIONS

Definitions related to this policy include:

Roadblocks - A restriction, obstruction, or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a suspect.

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

Flee - To increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of the motor vehicle. (M.S. 609.487 Subd 1)

Termination of Pursuit - a pursuit is terminated when the suspect vehicle stops, or emergency signal devices are deactivated and routine vehicle operation is resumed.

Significant Threat - a strong likelihood based upon known, and articulable facts, that death or substantial bodily harm may occur if apprehension is delayed. This includes the potential for the suspect to engage in further violent crimes, or to violently resist arrest.

Channelization - A technique where objects or vehicles are positioned in a manner intended to direct or redirect the path of a fleeing suspect.

Tire Deflation Device - A device that, when driven over, causes one or more tires of a vehicle to safely deflate.

Vehicle Pinch - Also referred to as a vehicle pin, a technique used on a stationary target vehicle by placing a police vehicle in contact with the front and/or rear bumper of the vehicle for purposes of containment.

Pursuit/Precision Intervention/Immobilization Technique/ Tactic. (PIT) - The intentional act of using a law enforcement vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. P.I.T. is a specific technical maneuver that requires advanced practical training prior to use.

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Ramming - The intentional contact, other than implementing PIT, between an authorized pursuit vehicle and a suspect vehicle which may cause substantial damage to or disable the fleeing vehicle or may cause serious physical injury and/or death to the suspect. Ramming may be considered as a use of deadly force.

305.2.1 TRAINING REQUIREMENTS

All sworn personnel will receive documented initial review and annually documented review of this policy.

305.3 OFFICER RESPONSIBILITIES

a. Violent Felonies:

Officers may engage in a pursuit to apprehend a suspect wanted for a violent felony. Violent felonies include homicides, aggravated robberies, felony level assaults, felony level criminal sexual conduct, kidnapping and first degree burglaries. Other substantial public safety risks may exist which may require a deviation from this policy. In those extreme instances a supervisor's approval is necessary. The Department expects officers to terminate a pursuit whenever the risks to their own safety and the safety of others outweighs the danger to the community should the offender not be immediately apprehended.

b. Pursuit Considerations:

Factors applied to the initiation, continuation, or termination of a pursuit include the following:

- The initial decision to engage in a pursuit shall lie primarily with the officer who has initiated the vehicle stop, after considering the elements of this policy.
- In initiating a pursuit an officer should weigh the crime for which the suspect is wanted and the need to apprehend immediately based upon the existence of a significant threat. Consider whether the suspect is known to the officer, and the risk to the community created by the pursuit (traffic, area of pursuit, environmental factors, and weather conditions).
- The officer must continually consider the risks created by the pursuit, as those risks may change during a pursuit.
- At times the termination of a pursuit may be the safest and most appropriate action. Terminating a pursuit shall be considered a decision made in the interest of public safety.
- The officer's decision to continue a pursuit may be overridden by a supervisor at any time.

305.3.1 WHEN TO INITIATE A PURSUIT

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

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

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- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Age of the suspect and occupants.
- (l) Availability of other resources, such as aircraft assistance.
- (m) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle.

305.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

- (a) Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) Pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use
- (e) Hazards to uninvolved bystanders or motorists.
- (f) Traffic conditions substantially increasing the danger of the pursuit.
- (g) The violator is going the wrong way on a one-way street, divided highway, or limited-access highway.
- (h) The pursuit enters a residential area or close proximity to a school.
- (i) Normal communication is broken.
- (j) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (k) When directed to terminate the pursuit by a supervisor.

305.3.3 SPEED LIMITS

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

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

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

305.4 PURSUIT UNITS

To limit the risk to the general public, only a primary unit and two secondary units will be actively involved in the pursuit, except when extreme circumstances exist. Multiple occupants in the fleeing vehicle may constitute extreme circumstances, particularly if a violent crime or weapons are involved. The vehicles shall be known as the primary unit, which is the unit closest to the fleeing vehicle, and the secondary unit, which shall remain at a safe distance behind the primary unit but

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close enough to provide support and communications. Back up units, as assigned, shall operate at a safe distance to provide support. The intent of this procedure is to eliminate a group of squads, following one another (caravanning), in pursuit of a single vehicle. Pursuing vehicles must have their emergency lights and siren activated and shall be driven in a safe manner and with due regard for public safety. Vehicles operating in emergency mode are exempt from certain traffic regulations when necessary, as long as the operator continues to exercise due care in vehicle operation.

305.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

305.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to him/herself or other persons (Minn. Rules 6700.2701).

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

- Reason/offense for initiating the pursuit.
- Location and direction of travel.
- Speed of the fleeing vehicle.
- Description of the fleeing vehicle and license number, if known.
- Number of occupants.
- The identity or description of the known occupants.
- Traffic conditions.
- Identity of other agencies involved in the pursuit.
- Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- Request for medical assistance for any person injured in the course of the pursuit (Minn. Rules 6700.2701).
- Request that a patrol unit leader be notified.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

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The primary unit is responsible for the pursuit and determining whether to terminate or continue, unless otherwise directed by a unit leader.

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

305.4.3 SECONDARY UNIT(S) RESPONSIBILITIES

Secondary Units:

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

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serve as backup to the primary unit once the subject has been stopped.

Backup Units:

Backup units will monitor radio transmissions and position themselves in order to be of possible assistance. Backup units must be driven in a safe manner with due regard for public safety.

Unmarked Vehicles:

Unmarked squads should not be used as primary or secondary units in a pursuit unless an emergency exists requiring their use. If an unmarked car initiates a pursuit or is otherwise involved, it should be replaced by a marked squad as quickly as possible. The unmarked squad may assume the role of a backup squad. Any unmarked squad involved in a pursuit must be equipped with emergency lights and siren.

305.4.4 PURSUIT DRIVING TACTICS

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (3)):

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red, or stop signal, or stop sign but only after slowing down and utilizing a flashing red lamp or siren as may be necessary for safe operation (Minn. Stat. § 169.03, Subd. 2).
- (c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway (Minn. Stat. § 169.03). In the event the pursued vehicle does so, the following tactics should be considered:

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- Request assistance from an available air unit.
 - Maintain visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 - Request other units to observe exits available to the suspects.
- (d) Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit, and a clear understanding of the maneuver process exists between the involved officers.
- (f) Officers shall not fire at or from a moving vehicle unless the use of deadly force is authorized and articulable circumstances exist which necessitates a deviation from this standard.
- (g) Intentional vehicle to vehicle contact is not allowed.
- (h) Roadblocks may only be used if the situation justifies the use of deadly force. Supervisory approval is required if time allows.

305.4.5 TACTICAL VEHICLE INTERVENTIONS (TVI)

The use of a tactical vehicle intervention (TVI) technique may be considered a use of physical force. In those instances, it will be subject to the same requirements as any other use of force. Members should consider the circumstances and conditions present at the time, including the potential for injury prior to deciding how, when, where and if a TVI technique should be utilized. A member must be trained in the applicable technique prior to using it. Unless otherwise specified, watch commander approval is not required prior to use of a technique.

Channelization:

Channelization may be used to redirect or stop a pursued vehicle. The selection of the best method and area in each circumstance should be preceded by an evaluation of all factors surrounding the individual pursuit. The methods used should offer the greatest probability of success with the least likelihood of injury to the general public, the officer, and the suspect. Officers may deliberately direct a vehicle into a given path or location (i.e. away from populated areas or intersections, onto dead end roads, etc.) by using stationary objects (pylons, barricades, vehicles) placed in the path of pursued vehicle. This method may also be used to direct a pursued vehicle toward and across a tire deflation device.

Boxing In:

A. Boxing in may be used in circumstances where it is believed the driver of a target vehicle is not attempting to elude contact (e.g., medical situations, suspected impairment).

B. Members should consider the risk involved with placing their vehicles next to or in the path of the target vehicle (e.g., armed suspect, other acts of violence).

Firearms:

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- A. Firearms will not be used to disable a target vehicle.
- B. Firearms will not be used against an occupant of a target vehicle that is in motion except in self-defense or defense of another when one reasonably believes there is an immediate danger of death or serious bodily injury and that a lesser degree of force would be inadequate.

Precision Immobilization Technique (PIT):

If, in the judgment of a law enforcement officer in a pursuit, the fleeing vehicle must be stopped as soon as possible to safeguard life and preserve the public safety, P.I.T. may be used. Only those officers who have successfully completed training in P.I.T shall utilize it. This decision may be made by a pursuing officer if no supervisor is available, but a reasonable effort shall be made to obtain authorization from a supervisor in every case.

The decision to use P.I.T. must consider the safety of bystanders, the risk of physical injury to the occupants of the fleeing vehicle, and to the law enforcement officer. If the danger of using P.I.T. is greater than the threat of danger presented by the violator, do not use P.I.T. P.I.T. shall be considered non-lethal use of force when performed within the limitations of this policy.

Deputies may employ the P.I.T. against a pursued vehicle in order to terminate a pursuit or prevent a pursued vehicle from continued operations under the following circumstances:

- (a) When all other means of apprehension have been considered and rejected as impractical.
- (b) Only at speeds of 40 MPH or less on straight roadways or 25 MPH or less in cornering situations unless deadly force is authorized.
- (c) When the risk of harm to people of a continued pursuit outweighs the risk of harm to people from the execution of P.I.T. maneuver.

Roadblocks:

- A. Use of a roadblock requires the approval of the watch commander.
- B. Whenever possible, members setting up a roadblock will make the roadblock visible from a sufficient distance so a target vehicle has the opportunity to stop or avoid the roadblock if they choose to do so. If members are unable to provide sufficient sight distance, members must provide another way for a target vehicle to safely avoid the roadblock and the use of deadly physical force must be justified.
- C. Absent exigent circumstances, only police vehicles will be used to establish a roadblock.
- D. The use of vehicle channeling is not considered a roadblock.

Tire deflation devices:

- A. The following criteria shall be met prior to the use of tire deflation devices:
 - (a) There is reasonable cause to believe the suspect has committed an offense justifying arrest of the suspect.

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- (b) The officer attempting to apprehend the suspect has given notice of command to stop to the suspect by means of both lights and siren.
 - (c) The suspect ignores the effort and warnings obvious and visible to a reasonable person in the suspect's position
- B. Before utilizing tire deflation devices, officers shall have received training on the use of the devices.
- C. Officers using tire deflation devices will consider the following prior to utilizing this equipment:
- D. Most effective location for the placement of tire deflation devices.
- (a) Deployment locations should have reasonably good sight distances to enable the officer deploying the devices to observe the pursuit and other traffic as it approaches.
 - (b) The officer deploying the tire deflation devices should choose a location with natural barriers such as a roadway overpasses, guardrails, or large tree(s). These barriers will conceal the officer from violator's view and allow deployment of the devices in a position of relative safety.
 - (c) Traffic, construction, special events, and /or activities may create situations where the use of tire deflation devices would be inappropriate.
- E. Position and vulnerability of the public, private property, other assisting units, and equipment.
- F. Tire deflation devices should not be deployed to stop the below listed vehicles unless continued movement of the pursued vehicle would result in an increased hazard to others:
- (a) Any vehicle transporting hazardous materials
 - (b) Any passenger bus transporting passengers.
 - (c) Any school bus transporting students.
 - (d) Any vehicle that would pose unusual hazard to innocent parties.
 - (e) Any two-wheel vehicle, unless deadly force is justified.
- G. Tire deflation device deployment plans should include provisions for close coordination between pursuing units and the officer deploying the tire deflation device.
- (a) When the decision is made to deploy the tire deflating device, pursuing units shall notify the person deploying the devices as far in advance as possible of the necessity for its use.
 - (b) The officer deploying the device shall be a predetermined location with sufficient time for proper deployment. All pursuing units should be notified when the devices are in place.
 - (c) The tire deflation device will be deployed in accordance with the manufacturer's recommendation.
 - (d) The deploying officer will be responsible for recovery of the device from the roadway. The device shall not be left unattended in the roadway.

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H. Deployment of tire deflation devices without a prior attempt to stop the suspect may be allowed in limited cases. Situations where it is pertinent to disable a vehicle with a tire deflating device before making aware of police presence may include:

- (a) Stolen cars
- (b) Serious felony arrests warrants and /or charges
- (c) Hostage or kidnapping situations.

Vehicle Pinch:

- (a) A vehicle pinch may be used on a stationary target vehicle when it is believed the driver may attempt to flee an attempted contact.
- (b) The use of a vehicle pinch is not considered to be a roadblock or boxing in.

Intentional Contact:

A. Intentional contact shall only be used when other intervention strategies have been considered and determined not practicable.

B. Intentional contact shall be considered a use of force (Reported as a pursuit), up to and including deadly force, and must be reasonably applied based on the totality of circumstances presented.

C. Unless deadly force is authorized, intentional contact shall only occur:

- (a) at low speeds; and
- (b) when there is a reasonable belief that no one will be injured as a result.

D. Intentional contact with any vehicle having fewer than four wheels shall only occur if deadly force is authorized.

305.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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

305.4.6 PURSUIT TRAILING

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

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

305.4.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit (Minn. Rules 6700.2701).

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

305.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department (Minn. Rules 6700.2701).

The patrol supervisor of the officer initiating the pursuit, or if unavailable, the nearest patrol supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notify involved officers and the Communications Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.
- (b) Engage in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercise management and control of the pursuit even if not engaged in it.
- (d) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Direct that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensure that aircraft assistance is requested if available.
- (g) Ensure that the proper radio channel is being used.
- (h) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Control and manage DPD units when a pursuit enters another jurisdiction.

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

305.5.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command (Minn. Rules 6700.2701).

The Watch Commander shall review all pertinent reports for content and forward them to the Deputy Chief.

305.6 INTER-JURISDICTIONAL CONSIDERATIONS

If the pursuit leaves the city of Duluth, Duluth officers will continue to operate within the guidelines of department policy. When leaving the city, the jurisdiction being entered must be informed, and advised whether or not assistance is requested (Minn. Rules 6700.2701).

If a pursuit initiated by another jurisdiction enters the city of Duluth, a Duluth squad may be assigned to assist as requested (primary, secondary or back up unit). Patrol Supervisors may decline to have Duluth officers involved in the pursuit based upon the initial reason for the pursuit, conditions within the City, and tactics being used by the initiating agency. Supervisors may also request that the initiating agency terminate the pursuit. Officers assigned to assist will continue to operate within the guidelines of department policy and at the direction of the patrol unit leader monitoring the pursuit

305.7 REPORTING AND REVIEW REQUIREMENTS

All the following sections (a, b, and c) apply anytime a driver fails to respond to an officer's signal to stop, whether the officer pursues or not. This allows the Department to evaluate the effectiveness of the policy and to determine if it unduly inhibits the apprehension of violators.

aA Patrol Unit Leader Evaluation

The unit leader responsible for monitoring the pursuit is also responsible for evaluating the pursuit after its conclusion. The evaluation consists of reviewing the related reports and discussing the pursuit with the involved officer(s). This evaluation is required even if the perpetrator is not apprehended. (Factors to be addressed in the evaluation are included in the Appendix to this order) The unit leader must send a copy of the evaluation to the shift lieutenant. It is then routed to the Area Commander and to the Uniform Division Deputy Chief. The evaluation states the unit leader's findings as to whether or not the initiation of the pursuit, its continuation, and the tactics used, were justified and reasonable and within Department policy.

B. Pursuit Evaluation Committee

The Uniform Division Deputy Chief chairs the Pursuit Evaluation Committee which evaluates all pursuits. The Committee consists, at a minimum of: a Uniform Division lieutenant; a Uniform Division sergeant; a patrol officer; and a member of the Board of the Duluth Police Union. The

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sergeant in the Officer Development Unit. The Committee reviews the written reports submitted by officers and the evaluation required in Section A, above. The purpose of the evaluation is to determine compliance with Department policy and the effectiveness of the policy, to ensure that its restrictions do not unduly interfere with enforcement.

C. Mandatory Pursuit Report

M.S. 626.5532 requires the completion of the Minnesota Bureau of Criminal Apprehension "[MINNESOTA PURSUIT REPORT](#)". The form is available on the internet. It is to be completed electronically by the unit leader monitoring the pursuit and sent to records who will submit it. The unit leader also completes a Case Activity Log entry of MNRPT (Minnesota mandated report) indicating the reporting requirement was met. The unit leader must forward a printed copy of the state report to the shift lieutenant along with the required evaluation. The documents are then forwarded to the area commander and the Uniform Division Deputy Chief.

305.7.1 POLICY REVIEW

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

305.7.2 PUBLIC DISCLOSURE

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

CALEA 41.2.2, 41.2.3

Officer Response to Calls

306.1 PURPOSE AND SCOPE

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

306.2 RESPONSE TO CALLS

306.2.1 RESPONSE TO EMERGENCY CALLS

When incident information is reported only as a matter of record, an officer is not required to respond unless the complainant specifically requests one. Policy 325, Preliminary Investigations and Required Reports, outlines the expectations of officers.

Reports that do not require the response of an officer and may be taken over the phone:

- Lost property

Matter of record reports must be taken promptly.

Additional property loss, or identifying information on lost or stolen property, reported after the preliminary investigation may be reported directly to the Records Support Unit.

306.2.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES officer

- (a) "Code One" calls do not require the immediate response by an officer.
- (b) In responding to a "Code One" call, traffic laws are obeyed and the emergency signal devices are not used.
- (c) "Code One" calls are handled when the officer is not assigned another call with a higher priority. As a courtesy officers should notify the reporting party if the reporting party expects to see the officer, and response is going to be delayed.
- (d) An officer may operate a vehicle without lights if the officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation (Minn. Stat. § 169.541). This is not appropriate when several officers are responding to one incident or driving at a Code Two or Three Response.

306.2.3 CODE TWO RESPONSES

"Code Two" calls require the immediate, but non-emergency response by an officer. In responding to the call, traffic laws are obeyed and the emergency signal devices are not used. If the call does not require the officer to meet with the reporting party a phone call to advise them of police action on the incident is appropriate.

A minimum of two officers should respond to any "Code Two" calls that pose a threat to:

- (a) Property;

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- (b) Persons; or
- (c) Responding officers.

Included are domestic disturbances, person disturbing, and prowler calls.

Due to the very high rate of false alarms, a "Code Two" response is made to automatic alarms at private residences. Patrol Supervisors monitor response to ensure an appropriate number of officers are responding, or are on scene.

306.2.4 CODE THREE RESPONSES

While operating a vehicle in response to an emergency call for service, officers shall do so with due regard to the safety of others as stated in Minnesota Statutes 169.03, Subd. 1 through 5 and 169.17.

169.03 EMERGENCY VEHICLES; EXEMPTIONS; APPLICATION.

Subdivision 1. Scope. The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exemptions as are set forth in this chapter with reference to authorized emergency vehicles.

Subdivision 2. Stops. The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red light, or stop sign, or signal after sounding siren and displaying red lights, except that a law enforcement vehicle responding to a call shall sound its siren or display at least one lighted red light to the front.

Subdivision 3. One-way roadway. The driver of any authorized emergency vehicle, when responding to any emergency call, may enter against the run of traffic on any one-way street, or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported; and the provisions of this section shall not affect any cause of action arising prior to its passage.

Subdivision 4. Parking at emergency scene. An authorized emergency vehicle, when at the scene of a reported emergency, may park or stand, notwithstanding any law or ordinance to the contrary.

Subdivision 5. Course of duty. No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.

169.17 EMERGENCY VEHICLES

The speed limitations set forth in sections 169.14 to 169.17 do not apply to authorized emergency vehicles when responding to an emergency. Drivers of all emergency vehicles shall sound an audible signal by siren and display at least one lighted red light to the front, except that law enforcement vehicles shall sound an audible signal by siren or display at least one lighted red

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light to the front. This provision does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the street, nor does it protect the driver of an authorized emergency vehicle from the consequence of a reckless disregard of the safety of others.

Officers must operate the red lights and/or the siren when responding to an emergency in order to be exempt from traffic regulations. The siren is defined as the wail, yelp, or high low functions on the siren controller. The air horn and vehicle horn may be used in addition to the siren; however, they may not be used in place of the siren.

"Code Three" calls require an emergency response from multiple officers (the number of officers is dependent upon the type of call). The following require a "Code Three" response:

- Structure fires;
- Burglary alarms or reports of in progress burglaries:
- Code two response is made to automatic alarms at private residences(See "C" above)
- Intrusion alarms indicated by a portable Department alarm;
- Robbery alarms or reports of in progress robberies;
- Life threatening medicals (may only require one officer);
- Violent crimes (in-progress rape, homicides, in-progress assaults, aggravated robberies, felony assaults);
- Accidents with injuries or fatalities;
- Person with a gun or "shots fired"; and
- Officer needs assistance.

Some incidents require an unannounced arrival such as burglar alarms to avoid causing the burglar to flee, or robbery alarms to avoid precipitating a hostage taking. In these instances officers take the environment into account and turn off their siren prior to reaching a location where it may be heard by the offender, and turn off their emergency lights prior to being seen by the offender. Officers must proceed very cautiously when their emergency signal devices are not activated.

Officers continuously evaluate the appropriateness of an emergency response. Upon arrival at the scene officers evaluate the situation and notify other responding officers when an emergency response is no longer necessary.

306.3 REQUESTING EMERGENCY ASSISTANCE

306.3.1 NUMBER OF UNITS PARTICIPATING

Radio traffic should be severely limited when officers are responding "Code Three" to a potentially hazardous situation, such as robberies and gun calls. Consideration should be given to "securing" the radio channel and restricting its use to squads assigned to the incident.

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306.3.2 ROBBERY ALARMS

Robbery alarms require a "Code Three" response. An unannounced arrival is required. Officers secure the perimeter and make phone contact when appropriate to avoid precipitating a hostage incident. False alarms require an employee to exit the building to speak with officers. If the perpetrators have fled officers may enter the building to begin the investigation.

306.4 INITIATING EMERGENCY CALL RESPONSE

The nature of some incidents, due to being high profile, or exposing the city to liability, requires that on-scene patrol officers notify a patrol unit leader of the incident. Once notified, the unit leader must determine whether to assume command of the incident or delegate command to the officers already at the scene.

Incidents a patrol unit leader must be notified of, or acknowledge, are:

- Arson;
- Armed robbery;
- Deaths;
- Civil disturbances;
- Felony assault;
- Felony level Incidents involving weapons;
- Injury accidents involving on-duty police vehicles;
- Kidnapping;
- Officer use of deadly force;
- On-duty officer injury;
- Vehicle pursuit;
- Labor disputes;
- Sexual assault;
- Unusual Occurrences;
- Subjects injured due to police action;
- Injuries on City property;
- Fatal traffic accidents;
- Accidents with life threatening injury;
- Incidents involving significant property damage or loss;
- Threats to schools or staff;
- Significant incidents arising from extra-duty or non-duty employment; and

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- Any police response to off-duty behavior, incident, or injury involving a Department employee and investigated by the Duluth Police Department;
- Any calls that may have media attention;
- Calls that may be of concern to department administration.

Unit leaders notified of such incidents must notify command staff. Command Staff need to learn of incidents through police department channels, not when the media or City administration asks for information on the incident.

CALEA 41.2.1

Response to Graffiti Incidents

307.1 PURPOSE AND SCOPE

The purpose of this policy is to guide the Duluth Police Department's response in identifying, reporting and covering graffiti within the City of Duluth. It will identify a working relationship with outside agencies that also have a vested interest in eliminating graffiti.

307.2 POLICY

Graffiti constitutes damage to property, whether public or private. It also represents blight on the City, and tarnishes the overall image. The reporting and removal of graffiti involves the cooperation and coordination of various City agencies, including the Police Department. In order to make Duluth as graffiti free as possible, the City's goal is to have graffiti removed from public property within seventy-two hours of it being reported to the appropriate City agency.

307.3 EXTERNAL REPORTS

Graffiti complaints can be reported by any citizen through a phone call to 911. Citizens are encouraged to report incidents of graffiti in their neighborhood, and throughout the City.

In addition to citizen reports of graffiti, various City Departments and the Minnesota Department of Transportation will assist the Duluth Police Department in the identification, reporting and clean-up of graffiti. Incidents of graffiti that are identified by the external departments or agencies will be reported as follows:

- Contact 911 to report the location of the graffiti (ICR generated),
- Details of the type of media used to create the graffiti (paint, marker, etc.),
- Description of what was created or written,
- Indicate if their agency or department would be responsible for the clean-up/cover-up of the graffiti, and
- Document the replacement, repair or clean-up cost, when feasible.

307.4 DEPARTMENT RESPONSE-HOTLINES

Life Safety may be assigned to specifically follow-up and catalog graffiti incidents which are received through the Graffiti Hotline and the Chief of Police's Graffiti Tip Line. Community Officers will be expected to communicate graffiti related trends and other pertinent information to members of the Duluth Police Department and to others as appropriate.

307.5 PATROL RESPONSE

When dispatched to a graffiti call by 911 (GRAFFT), Patrol Officers should follow Policy 345 (Preliminary Investigations) when there is suspect information. Officers initiating an investigation with suspect information are expected to complete follow-up investigation until such time as the case is submitted for prosecution or the case is suspended due to lack of viability for prosecution. Graffiti incidents are documented on a Duluth Police Property Report to include:

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- ICR,
- Location,
- Date the graffiti was written,
- Property owner if known,
- Private or public property,
- What type of property was defaced (building, bench, stop sign, etc), and
- Media used to create the graffiti, such as paint or marker, and color,
- What was written or drawn (VLK, GDK, VLN, five-pointed star, etc.)

In all cases where graffiti is written as an indication of racial hatred or other bias crime, an Incident Report and a State Bias Crime Report shall be completed and sent to the Records Services Unit (RSU) who will send it to the state. The form is located on the I-drive. The officer may then report to the Graffiti Hotline or contact the property owner for removal.

307.6 REWARDS FOR INFORMATION

At various times, individuals, civic groups and business organizations may donate money to start a reward program for information on those involved in creating graffiti in the City. Any legitimate tip that leads to an arrest can be eligible for a reward, based on the quality of the information given. Officers are encouraged to develop information through the use of rewards if they are available.

Canines

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

It is the policy of the Duluth Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonable carry out legitimate law enforcement objectives

308.3 ASSIGNMENT

Canine teams will be assigned to a canine supervisor. Canine teams will perform patrol functions and respond to routine calls for service based on the operational needs of the Department.

308.4 CANINE COORDINATOR

The canine coordinator shall be appointed by the Chief of Police.

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

- (a) Reviewing canine use reports to ensure compliance with policy and to identify training issues and other needs of the program;
- (b) Maintaining a liaison with vendors' kennels and regional trainers;
- (c) Maintaining a liaison with command staff and functional supervisors;
- (d) Maintaining a liaison with other agency canine coordinators;
- (e) Maintaining accurate records to document canine activities;
- (f) Recommending and overseeing the procurement of canines, equipment and services for the unit;
- (g) Scheduling all canine-related activities;
- (h) Ensuring the canine teams are scheduled for continuous training to maximize their capabilities.

308.4.1 SELECTION PROCESS OF CANINE HANDLER

Each candidate will undergo a selection process that follows DPD's policy and practice for filling vacancy positions. When a canine is removed from service due to retirement or disability, it will be at the discretion of the Chief of Police to decide if the retired canine's handler will receive a new canine, or if the department-wide selection process for position vacancies will be implemented.

308.4.2 SELECTION PROCESS OF CANINE

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The canine unit Lieutenant and Sergeant will be responsible for the selection of police canines. They will research and identify the kennel which the department will purchase Police Canine(s) from. When selecting a vendor kennel the following will be considered: Warranty of the canine, training provided to the canine, training provided to the handler, certification standards and reputation of the Kennel. When selecting the canine, the Canine Unit Lieutenant and Sergeant will take into consideration the health, temperament and workability of the canine.

308.5 APPREHENSION GUIDELINES

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

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler;
- (b) The suspect is physically resisting arrest, threatening to resist arrest or evading arrest and the use of a canine reasonably appears to be necessary to overcome such resistance or evasion;
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose an imminent threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer without any of the above conditions shall not serve as the basis for the use of a canine to apprehend a suspect.

Generally, the use of a canine apprehension involves felony suspects, but it is the circumstances of an event that determine the use of a canine apprehension, not the classification of the crime.

In misdemeanor cases, or when suspects flee on foot from officers, and the reason for fleeing at the moment may be unknown, where an offense has yet to be determined, the canine handler may deploy the canine, on lead, with the understanding that the canine is to be used as a tool for locating evidence or suspects that currently do not meet the canine use of force criteria. The canine is not a use of force option given the above circumstance. However, during the initial investigation by officers on scene, information or evidence may be revealed that determines the reason(s) the suspect fled (e.g. felony warrants, locating weapons, determining a specific violent crime). As circumstances develop during the search, the canine is a use of force option only when the totality of the circumstances meets the canine use of force criteria.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect. If the suspect still poses a threat, the canine may be left on the bite during handcuffing.

308.5.1 PREPARATION FOR DEPLOYMENT

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Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense;
- (b) Whether violence or weapons were used or are anticipated;
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown;
- (d) The suspect's known or perceived age;
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized;
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released;
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handlers' responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

308.5.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to deploying a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If reasonably feasible, other members should be in a location opposite the warning to verify that the announcement could be heard.

In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

308.5.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report. This must also include photographic documentation of the injuries. The canine unit supervisor and coordinator should be notified.

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All bites and injuries shall be promptly reported to the canine coordinator and supervisor. Non-deployment unintended bites or injuries caused by a canine shall be documented in a City of Duluth Incident Report.

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

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

308.6 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that present an immediate threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal announcements and encourage the individual to make him/herself known.
- (d) If a responsible person is available (e.g. parent, guardian), the handler should discuss with this person the potential risk of injury and weigh this risk against the risk of the individual not being found.

308.6.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

308.6.2 NARCOTICS DETECTION

A canine trained in narcotics-detection, may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.

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(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

308.6.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive detection trained canine be used to render a suspected device safe or clear.

308.7 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(d) When off-duty, the canine shall be in a kennel provided by the Department at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler. Boarding kennels equipped to handle a police service dog may be used.

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(e) The canine should be permitted to socialize in the home with the handler's family under the direct supervision of the handler.

(f) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or watch commander. Off-duty maintenance training is allowed.

(g) Canine vehicle interiors must maintain temperature between 45 and 85 degrees Fahrenheit while the canine is present in accordance with the Code of Federal Regulations (9 CFR 3.15).

308.7.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure the unattended vehicle remains inhabitable for the canine.

308.8 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

308.9 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams, or those canine teams trained exclusively for the detection of narcotics and/or explosives, also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator.

308.9.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified by the United States Police Canine Association (U.S.P.C.A.) or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

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- (a) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (b) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.
- (c) Handlers must train a minimum of sixteen (16) hours per month.

308.9.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate, or obtain certification, shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. A certified U.S.P.C.A. trainer, in conjunction with the canine unit coordinator, will determine a course of action when a canine team fails certification.

308.9.3 TRAINING RECORDS

All canine training records shall be maintained electronically utilizing a department-approved canine tracking software. A copy of all training and deployments shall be archived annually.

308.9.4 TRAINING AIDS

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

308.9.5 EQUIPMENT

- (a) Canine Officers will be issued the following equipment:
- (b) K9 Training Uniforms
- (c) Leashes
- (d) Tavel Kennel
- (e) Home kennel at least 6' x 9' made of metal with a concrete floor.

308.10 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Chief of Police or their designee may authorize the Canine Unit Supervisor to procure controlled substances for canine unit training purposes. These controlled substances shall be maintained in a locked and secure storage locker. Controlled substances may be issued to any duly authorized canine handler or civilian drug detection canine trainer working under the direction of the Duluth Police Department provided the controlled substances are no longer needed as criminal evidence.

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As an alternative, the Chief of Police or their designee may request narcotics training aids while providing substance abuse training or canine drug detection training from the DEA by filling out the DEA_225 Form at www.deadiversion.usdoj.gov

308.11.1 PROCEDURES

All necessary controlled substance training samples shall be acquired according to Policy 803 or Policy 805 by the canine handler from the Property and Evidence Unit. Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever present danger of accidental ingestion of these controlled substances by the canine, the Property and Evidence Unit will issue each canine handler their samples under the following conditions:

- (a) All necessary controlled substance training samples shall be acquired from the Property and Evidence Unit or from outside agencies authorized to provide controlled substance training samples. Samples will be tested and weighed by the handler, recorded by the evidence unit and verified by a supervisor from the canine unit, CSI or SIU.
- (b) All controlled substance training samples will be inspected and weighed yearly. The results shall be recorded and maintained by the Property & Evidence Unit.
- (c) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk or cargo area of the canine handler's assigned patrol unit or stored in a locked evidence locker. There are no exceptions to this procedure.
- (d) The Canine Unit Supervisor may periodically inspect every controlled substance training sample for damage, tampering, or loss and shall notify the sergeant in charge of CSI, Evidence and Property of any damage, tampering or loss.
- (e) Any unusable controlled substance acquired from the Department for training samples shall be returned to the CSI, Property and Evidence Unit.
- (f) All controlled substance training samples acquired from the Department shall be returned to the CSI, Property and Evidence Unit on an annual basis for replacement, or upon the conclusion of specialized training. Any controlled substance training samples acquired from an authorized outside agency should be returned to that agency.

308.11 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosive detection dogs and can also provide effective training for law enforcement personnel and the public. Pursuant to Minn. Stat. 609.668 Subd. 3 (a)(1), peace officers are permitted to possess, transport, store or use explosives or destructive devices while acting within the scope and course of employment. Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or nonhazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

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- (a) All explosive training aids, when not in use, shall be properly stored.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
- (c) The Canine Unit Supervisor shall be responsible to verify the explosives training aids on hand against the inventory ledger annually.
- (d) Only members of the Canine Unit shall have access to the explosives training aid storage facility.
- (e) When available, a primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosives training aids shall be promptly reported to the Canine Unit Supervisor, who will determine if any further action will be necessary. Any loss of explosives will need to be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

CALEA 41.1.5

Harassment Restraining Orders

309.1 PURPOSE AND SCOPE

The Department and State of Minnesota are committed to protecting persons from harassers. The State of Minnesota allows victims of harassment court ordered protection from their harassers. This order outlines an officer's role in enforcing these orders.

309.2 DEFINITIONS

Harassment includes:

- a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target
- targeted residential picketing
- a pattern of attending public events after being notified that the actor's presence at the event is harassing to another

Respondent includes:

- any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment

Petitioner includes:

- any adult. A child may be granted court ordered protection if a parent or Guardian has filed on their behalf.

Targeted residential picketing includes the following acts when committed on more than one occasion:

- marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security
- privacy of an occupant of the building
- marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located

309.3 PROVISIONS

Harassment restraining orders require the respondent to cease or avoid harassing the petitioner and to have no contact with the petitioner. Harassment restraining orders do not require that a previous or current qualifying relationship exist (as with Orders for Protection).

Parents or guardian may seek a harassment restraining order on behalf of a minor.

309.4 PROCEDURE

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309.4.1 MANDATORY ARREST

Minnesota Statute § 609.748, Subd. 6 requires officers to arrest persons without warrant and take into custody a person whom the peace officer has probable cause to believe has violated a harassment order. Prior to making the arrest, officers must verify the existence of the order and that the respondent knew of the order.

Violations are misdemeanors unless that can be enhanced. Officers are to take the following actions to determine if the violation can be enhanced:

- Interview the victim
- Interview the subject
- Research available court and local records
- Review of relevant statutes

An officer, in consult with a shift sergeant, should determine a strategy to effect arrest. The strategy should be recorded in a Patrol Log entry. Unlike other Misdemeanor violations, Probable Cause for warrantless arrest upon violation of a Harassment Restraining Order does not expire after 72 hours, however our agency prefers that a citation be issued or a Warrant Request be sent once 72 hours have passed without a custodial arrest. This time consideration begins at midnight on the day that Probable Cause was established.

309.4.2 REPORTS/INVESTIGATIONS

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When a custodial arrest is mandated, but cannot be made because the offender is not located, the investigating officer will complete an Activities Log Entry indicating Probable Cause (PC) to Arrest. If there is a custodial arrest, PC for an arrest, or an increased concern for the safety of the victim or others, reports must be completed prior to leaving at the end of the shift. Submitted reports will include; Statements of all parties involved, related MNCIS Information, Risk Assessment Interviews and any other pertinent case-specific documentation.

Officers will no longer issue citations for Misdemeanor PC. In this event, the case would be reviewed and assigned by a DVRT Investigator who would check MNCIS, WI Records and possible Criminal Histories for potential enhanceable convictions. PC for order violations do not expire after 72 hours as other misdemeanor offenses do, but if no enhancements are located, any related citation(s) would be issued either in-person or by mail by Investigators of DVRT. This is typically done after PC has been in-place for 72 hours.

Referrals to the Domestic Violence Response Team (DVRT) by completion of an Activity Log Entry at which time DVRT Investigators will review reported information for accuracy, research

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potential enhancements, conduct or facilitate any needed follow-up with reporting officers, and prepare Warrant Requests and/or Citations as required.

309.4.3 LOCATING SUSPECT

Officers shall attempt to locate suspects when they have probable cause to believe that they have violated a Harassment Restraining Order as long as the officer has information or knowledge regarding possible locations of the suspect. Information about possible locations and efforts to locate the suspect are documented in the investigative report. It may be appropriate to enter possible location information in the Patrol Log.

309.4.4 VICTIM ASSISTANCE

Officers will provide the victim with the DPD Crime Victim Information Card that contains the ICR number and the officer's name. Officers shall advise victims of the availability of services of Safe Haven Shelter, Dabinoo'Igan Shelter or PAVSA if appropriate.

309.5 GROSS MISDEMEANOR AND FELONY CHARGES

A person is guilty of a gross misdemeanor who knowingly violates the order during the time period between a previous qualified domestic violence related offense conviction and the end of the ten years following conviction for that offense (regardless if the violation is domestic-related.)

A person is guilty of a felony if the person knowingly violates the order:

- during the time period between the first of two or more previous qualified domestic violence related offense convictions and the end of the ten years following conviction for that offense

Qualified domestic related offenses include First and Second degree murder and attempts, all assaults, CSC first through fourth degree, Malicious Punishment of a Child, Terroristic Threats, violation of harassment or no contact orders, orders for protection, harassment/stalking, and interference with a 911 call.

- because of the victim's or another's actual or perceived race, color, religious, sex, sexual orientation, disability as defined in Minn. Stat. § 363A.03, age, or national origin
- by falsely impersonating another
- while possessing a dangerous weapon
- with an intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in Minn. Stat. § 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding
- against a victim under the age of 18, if the respondent is more than 36 months older than the victim

Officers must document in the report, sources consulted in an effort to obtain enhancement information (MNCIS, CCH, counties contacted, etc). If officers are unable to verify a possible gross misdemeanor or felony, this must also be documented in the report.

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Citations are not issued for gross misdemeanor or felony charges.

Domestic Abuse

310.1 PURPOSE AND SCOPE

The department is committed to engaging in a comprehensive approach to intervening in domestic abuse incidents. The investigation of these cases sets the foundation for almost every subsequent action by the courts and community-based agencies. It is the cornerstone of an effective, coordinated inter-agency response. The intent of the law and this order is to protect victims from ongoing domestic abuse.

This order defines the department's procedures in the initial investigation and response to domestic abuse incidents. This order is in compliance with Minnesota Statutes pertaining to police authority and responsibilities in domestic abuse cases.

310.2 DEFINITIONS

Domestic Abuse: Minn. Stat. § 518B.01 Subd. 2(a) defines domestic abuse, if committed against a family or household member by a family or household member, as follows:

- physical harm, bodily injury or assault
- the infliction of fear of any of the following: imminent physical harm, bodily injury or assault
- terroristic threats within the meaning of Minn. Stat. § 609.713, Subd. 1
- criminal sexual conduct in the first, second, third, fourth, or fifth degree (Minn. Stat. § 609.342, 609.343, 609.344, 609.345, and 609.3451)
- interference with an emergency call within the meaning of Minn. Stat. § 609.78, Subd. 2

Family or Household Members: Minn. Stat. § 518B.01 Subd. 2 defines household members as:

- spouses and former spouses
- parents and children
- persons related by blood
- persons who are presently residing together or who have resided together in the past
- persons who have a child in common regardless of whether they have been married or have lived together at any time
- a man and a woman if the woman is pregnant and the man is alleged to be the father regardless of whether they have been married or have lived together at any time
- persons involved in a significant romantic or sexual relationship. (In determining whether or not a significant romantic or sexual relationship exists, the court shall consider the length of time of their relationship, type of relationship, frequency of

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interaction between the persons, and if the relationship has terminated, the length of time since the termination.)

Probable Cause: A belief, based on an officer's observations and reasonable judgment, and statements by parties and witnesses involved, that a crime occurred and the subject committed the crime.

Self Defense: Reasonable force used by any person in resisting or aiding another to resist an offense against the person (M.S. 609.06 Subd. 1(3)). The use of force must be reasonable for that person given the nature of the threat. Reasonable force to defend oneself does not include seeking revenge or punishing the other party.

Felony Domestic Assault by Strangulation: Unless a greater penalty is provided elsewhere, whoever assaults a family or household member by strangulation is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both. Strangulation is defined as "intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person." (Minn. Stat. § 609.2247)

310.3 PROCEDURES

310.3.1 SINGLE OFFENDER

If a person is determined to be the sole aggressor, and the persons involved meet the definition of family or household member; that person **shall be arrested** within 72 hours for misdemeanor offenses if located (Probable Cause Does not Expire for Felonies) and taken into custody when an officer has probable cause to believe that the person has:

- committed a misdemeanor assault against a family or household member which may include a physical assault or placed the victim in fear of immediate bodily harm.
- threatened a family or household member with dangerous weapons.
- interfered with an emergency call
- made terroristic threats within the meaning of Minnesota Statute 609.731 Subd. 1
- committed criminal sexual conduct in the first, second, third, or fourth degree within the meaning of Minn. Stat. § 609.342, 609.343, 609.344, or 609.345.

Juveniles may be arrested for domestic assault against a caregiver after considering self-defense, predominant aggressor and consultation with a supervisor

When an officer determines that probable cause exists to make an arrest under the above conditions, the officer should make diligent efforts to ensure that the offender is arrested within seventy-two hours of the incident. If the officer is unable to make an arrest by the end of his/her shift, the officer shall meet all reporting requirements as explained in section VIII and complete a patrol log indicating:

- the ICR, victim's name, date, time and location of the incident

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- the name of the offender and any pertinent information that may aid in the offenders arrest
- that probable cause exists to arrest the offender and when the time period for the arrest expires

At no time is an officer to leave a citation with the victim to give to the offender or mail a citation to the offender. If a citation cannot be personally served, refer the case to DVRT.

310.3.2 MULTIPLE OFFENDERS

Minn. Stat. § 629.342, Subd. 2 discourages dual arrest. When evidence of mutual combat is present, the situation does not necessarily dictate the arrest of both parties.

Self Defense: Officers must first determine whether any injuries were inflicted as a result of self-defense. Reasonable force may be used by any person in resisting or aiding another to resist an offense against the person. The use of force must be reasonable for that person given the nature of the threat and may include the use of weapons. If one of the persons acted entirely in self-defense the situation is dealt with as if there were a single offender.

Predominant Aggressor: If the officer determines that neither party acted in self-defense and both parties have committed an act of domestic abuse, then the officer must make a custodial arrest of the predominant aggressor considering the totality of the circumstances, including:

- the relative severity of the injuries and fear inflicted in this incident
- the relative use of force and intimidation used in this incident
- information available to officers involving prior incidents involving either party
- the likelihood of either party to commit domestic abuse in the near future

The disposition of the predominant aggressor should be determined using the criteria for "Single Offenders." The rationale for determining self-defense or predominant aggressor must be documented in the report along with supervisory consultation on the arrest. The reports are forwarded by the patrol supervisor to the Domestic Violence Response Team (DVRT). The DVRT is responsible for referring the case to the appropriate prosecutor along with a recommendation concerning whether or not charges are appropriate for the non-dominant aggressor. The prosecutor is responsible for determining disposition involving the non-dominant aggressor.

Multiple Domestic Abuse Arrests: In situations where probable cause exists to arrest both parties, but self-defense is not involved, and an arrest of the predominant aggressor alone cannot be made, both persons should be arrested. In situations warranting a dual arrest, if there are children present in the home, officers may make a determination about who is best able to care for the children and issue that person a citation rather than making a custodial arrest. If neither person is able to care for the children, custodial arrests of both can be made and arrangements made for the care of the children.

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310.4 NOTIFICATION RESPONSIBILITIES

A patrol supervisor must be consulted in domestic incidents involving: multiple offenders, juveniles involving caregivers, self-defense, predominant aggressor or mutual combatants.

A patrol supervisor shall be notified of felony assaults and incidents involving weapons.

310.5 CHILDREN EXPOSED TO DOMESTIC ABUSE

If a child is a victim of domestic abuse, the previous sections of this order pertaining to arrests are applicable.

The presence of children, their location and any injuries, involved in any domestic abuse situation needs to be fully documented. Officers may be mandated to report if the incident involves neglect, or potential neglect, of the child whether or not an arrest is made. Officers must always make a determination about the safety or advisability of leaving the child in the residence.

Before interviewing a child as a witness of domestic abuse, the officer should consider:

- the child's physical, emotional, or psychological ability to give a statement
- the child's age and ability to understand questions and formulate responses
- the likelihood the child will suffer adverse consequences.

310.6 STRANGULATION

Strangulation behavior is potentially lethal, and it is a common action used by an abuser to dominate a victim. Any incident in which an offender places his or her hand or arm or another object around the victim's neck or throat and squeezes is potentially lethal behavior and creates a grave risk of injury and death. An offender's use of strangulation may foreshadow escalating use of violence and homicidal intent.

- If the victim has any of the symptoms of strangulation, talk with the victim of the potential lethality and the need to request emergency medical services. See training memo: *Law Enforcement Response to Strangulation* regarding medical care.
- Conduct an initial interview of the victim regarding the method of strangulation and its impact, e.g., difficulty breathing, loss of consciousness, etc.
- If possible, talk with the suspect before making a probable cause determination. Take caution to not inadvertently arrest a person acting in self-defense.
- Document all evidence of strangulation in the written report. Refer to the training memo: *Law Enforcement Response to Strangulation* for interview and report writing tools.

310.7 STALKING - INVESTIGATION AND EVIDENCE COLLECTION

Be alert to the possibility that any single report of domestic abuse could be part of a pattern of stalking behavior. Pay particular attention to repeated violations of protection orders and no contact orders.

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Ask questions of the victim to determine if the current incident is an isolated event or part of a pattern of behavior.

Be aware of the possibility that actions that would not otherwise be illegal or might not cause alarm in another context could be examples of stalking behavior and respond according to the training memo, Law Enforcement Response to Stalking.

When conducting an investigation into alleged stalking, consider that evidence to the crime might be present in the suspect's vehicle. See Policy 311 (Search and Seizure). Consider tools or implements used to commit stalking, kidnapping, or related crimes such as floral deliveries, emails, notes, cards, letters, gifts, cell phones, cameras, computers, etc. Note the information from the victim regarding previous acts of stalking and harassment for follow-up by officer.

310.8 GONE ON ARRIVAL (GOA)

Domestic violence incidents where the suspect leaves the scene before police often involve dangerous suspects hoping to evade consequences for their actions. When an officer makes a determination that probable cause exists for an arrest but the suspect is not present, officers should prioritize apprehension of the suspect. See training memo on GOA for cautions in interviewing GOA suspects.

Take the following actions when the suspect has left the scene (GOA) prior to officers' arrival:

- Search for the suspect on the premises;
- Search for the suspect in the immediate area and the direction and area where the suspect might have fled;
- Check with 911 for other addresses where the suspect might be located.
- Issue an attempt to locate (ATL). The ATL should be issued on all active dispatch channels and should include: (1) suspects name, date of birth, and physical description, including clothing; (2) suspect's direction and mode of travel upon leaving the premises; (3) description of the suspects vehicle (if applicable); (4) where the suspect might have gone; and (5) where the suspect stays when not with the victim.
- Encourage the victim to call 911 if the suspect returns.
- Provide information to the victim about restraining orders, how to request that the prosecutor file a criminal complaint, advocacy services, and shelter.
- Offer to transport the victim or arrange for transport to shelter or another safe place if needed.
- Provide whatever assistance is reasonable to help the victim to secure broken doors or windows.
- Collect and process evidence in the same manner as when an arrest has taken place.
- Remain at the scene until the officer believes the likelihood of further violence has been eliminated.

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- After leaving the scene, when possible, drive by the residence over the next few hours and return to look for the suspect.

310.9 SEXUAL ASSAULT

Recognizing the crossover between domestic violence and sexual assault allows us to have a more comprehensive victim-centered response. Consider this co-occurrence when interviewing the victim and if an allegation of sexual assault is disclosed, follow Policy 602 (Sexual Assault Investigation by Patrol Officers).

310.10 SEIZURE OF WEAPONS IN DOMESTIC ABUSE INCIDENTS

Officers investigating domestic abuse incidents who have probable cause to believe the domestic abuse incident involved weapons should, when lawfully possible, seize all weapons used in the assault. The purpose of this is twofold, to preserve evidence and also to safeguard the welfare of the people involved.

310.11 REPORTS

Minn. Stat. § 629.341 Subd. 4 requires an officer investigating any alleged incident of domestic abuse to complete a written report. CAD notes do not constitute a report. Per department policy an officer must complete the Risk Questions and document the responses in the narrative. Case Activity Log (CAL) entries are required on all domestic arrests. CAL referrals to DVRT are required on all GOA cases regardless of the level of offense. Officers must contact Safe Haven Shelter or Dabinoo'Igan Shelter for domestic incidents and arrests that result in a narrative report. Computer Aided Dispatch (CAD) notes are acceptable for documenting a code change (i.e. it was not an incident or allegation of domestic abuse). For example, it was a loud, verbal argument without threats, without fear, and without physical contact.

Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341 and 611A.0311), and see Policy 325 (Preliminary Investigation/Required Reports) for additional report information:

- (a) Names, addresses, telephone numbers of all involved persons
- (b) Condition of clothing
- (c) Description of the scene, including any property damage
- (d) Do not seize a phone if it would leave the victim without a working phone. Photographs and audio will suffice as evidence from the phone.
- (e) Evidence of physical injury, including strangulation
- (f) Presence of elderly victims, persons with disabilities, people with limited English proficiency and whether interpreter services were used.
- (g) Facts related to any person who may have been the predominant primary aggressor/ document any determination made regarding self-defense or predominant aggressor
- (h) Excited utterances of the victim and the suspect
- (i) Demeanor of the victim and the suspect

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- (j) Medical records, including the victim's statements to paramedics, nurses and doctors
- (k) Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
- (l) A detailed explanation of the reasons for the officer's decision not to arrest or seek an arrest warrant
- (m) Evidence of any prior domestic abuse, related convictions, including dates
- (n) Any existing orders for protection, harassment restraining order or no contact orders
- (o) Identifying information of a specific court order violated, including county of origin, the file number and the provision allegedly violated

Officers conducting all criminal investigations will, whenever possible, record oral victim and witness statements. Statement evidence obtained during an initial investigation can be very powerful evidence in determining the course of an investigation; ultimately impacting charging decisions and convictions. It is not necessary to advise a victim or witness that their statement is being recorded. If a victim requests not to be recorded, Officers shall turn off the recording device.

When a custodial arrest is mandated, but cannot be made because the offender is not located, the investigating officer will complete an Activities Log Entry indicating Probable Cause (PC) to Arrest. If there is a custodial arrest, PC for an arrest, or an increased concern for the safety of the victim or others, reports must be completed prior to leaving at the end of the shift. Submitted reports will include; Statements of all parties involved, related MNCIS Information, Risk Assessment Interviews and any other pertinent case-specific documentation.

Officers will no longer issue citations for Misdemeanor PC. In this event, the case would be reviewed and assigned by a DVRT Investigator who would check MNCIS, WI Records and possible Criminal Histories for potential enhanceable convictions. PC for order violations do not expire after 72 hours as other misdemeanor offenses do, but if no enhancements are located, any related citation(s) would be issued either in-person or by mail by Investigators of DVRT. This is typically done after PC has been in-place for 72 hours.

Referrals to the Domestic Violence Response Team (DVRT) by completion of an Activity Log Entry at which time DVRT Investigators will review reported information for accuracy, research potential enhancements, conduct or facilitate any needed follow-up with reporting officers, and prepare Warrant Requests and/or Citations as required.

310.12 MANDATED VICTIM ASSISTANCE

In all domestic abuse incidents, officers will provide the victim with the Duluth Police Crime Victim Information Card which contains the ICR number and the officer's name. Officers shall notify victims of the availability of services of Safe Haven Shelter, the Domestic Abuse Intervention Project (DAIP), and Dabinoo'Igan. Incidents involving child victims require notification of the Initial Intervention Unit.

Following a domestic abuse incident or a domestic abuse arrest, officers shall advise victims that an advocate will be contacting them from either Dabinoo'Igan or Safe Haven. The officer is to ask

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the victim if she/he has a preference as to which advocacy agency contacts them. If yes, the officer will notify the chosen shelter. If the victim expresses no interest or says they do not want contact, the officer will then inform Safe Haven or Dabinoo'Igan of the arrest. The arresting officer will advise the shelter how and where to contact the victim, and give the shelter the name of the arrested party. Officers will document in their report that they asked the question on shelter choice, which shelter was chosen, and if none was chosen, that Safe Haven or Dabinoo'Igan was contacted. This advisory must be given prior to clearing from the incident.

If the victim needs transportation, the responding officer shall offer to transport the victim, or make arrangements for transportation to a safe place.

The officer shall obtain at least one phone number but attempt to obtain two phone numbers of persons who can reach the victims in emergencies to enable notification concerning the offender's release and other safety issues. These numbers are to be recorded on the back of the booking form and provided to Dabinoo'Igan or Safe Haven Shelter.

310.13 SECOND OFFENSES AND GROSS MISDEMEANOR FELONY CHARGES

When an arrest is made, officers must determine if enhancement is appropriate by interviewing the victim and the offender and by researching available court and local records. Officers must document sources consulted in an effort to locate enhancement information (MNCIS, CCH, counties contacted, etc.).

310.14 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.15 PROBATION

Patrol officers should determine if the suspect is currently on probation and inform probation of any incident, investigation and/or detention of suspect.

310.16 DOMESTIC VIOLENCE RESPONSE TEAM (DVRT)

The DVRT Unit conducts follow up investigation on domestic arrests and reported incidents. Patrol officers will complete arrest and incident reports. Submitted reports will include statement forms, signed medical releases, MNCIS, criminal histories, and citations when one is issued. Referrals to the DVRT Unit are made through, and documented in the Case Activity.

The DVRT Unit will process the reports necessary for custodial arrests and ensure that the charges are appropriate. The unit will also follow up on investigations that do not result in an arrest when they believe the offender or family needs intervention not available from the Patrol Division. The

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DVRT Unit will follow the training memo, *Conducting Investigations/Supervision in Domestic-Related Cases*.

310.17 ADDENDUM - RISK QUESTIONS

- (a) Do you think he/she will seriously injure or kill you, your children or someone else close to you? What makes you think so? What makes you think not? Does he/she have access to guns?
- (b) How frequently does he/she assault you? Describe the time you were the most frightened or injured by him/her?
- (c) Does he/she initiate unwanted contact either electronically or in person? Describe the unwanted contact. How often?
- (d) How frequently does he/she intimidate or threaten you? Has he/she intimidated or threatened you regarding talking to police or seeking help from the court?
- (e) Has he/she ever forced you to do things sexually you didn't want to do?

Search and Seizure

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

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

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

311.3 SEARCHES

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

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

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

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

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

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

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311.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.4.1 SEIZURE OF PROPERTY

Any time a search is conducted by an officer and property is seized, a Property Receipt shall be completed and served upon the subject of the search. If the property is seized subject to forfeiture, the appropriate forfeiture form shall also be served upon the subject.

311.5 DOCUMENTATION

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

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

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

311.5.1 LEAD OFFICERS RESPONSIBILITIES

An Incident Report must be completed for all search warrant executions. An Arrest Report and an Evidence Report must be completed whenever appropriate. The officer in charge is responsible for the completion of all associated reports.

311.6 SEARCH WARRANTS

311.6.1 APPLICATION

Search warrants are obtained by application to the court. Any officer may make application to the court for a search warrant. The appropriate prosecutor will assist in preparation necessary. Applications shall be prepared and presented to a judge for review and signing pursuant to all applicable laws and procedures. Officers preparing search warrant shall take all reasonable steps to confirm and corroborate probable cause contained in the search warrant application.

311.6.2 EXECUTION

- (a) The assigned Unit Leader or Lieutenant shall be notified of the planned warrant execution.
- (b) Search warrants may only be executed during the daytime (0700-2000 hours) unless the warrant authorizes a nighttime search. Entry to serve the warrant must be made during daytime hours but there is no time limit on completing the search.
- (c) The officer in Charge of the investigation shall complete a risk assessment matrix and operational plan. The completed risk assessment matrix and operational plan shall be reviewed and approved by the on-duty Unit Leader or Lieutenant or if they are not available, the on-duty patrol unit leader. If appropriate, the T.R.T. Commander or designee shall be consulted as to the risk assessment related to the detail.
- (d) An operational plan shall be completed which will include details obtained through reconnaissance and intelligence evaluation to determine appropriate tactics. Photographs, intelligence information, and floor plans should be reviewed and included in the operational plan to be prepared for the execution of the search warrant and to assess safety needs.
- (e) In all cases, the officer in charge of the investigation shall ensure that the on-duty patrol unit leader is briefed on the operation and that appropriate patrol staff is assigned to safely execute the warrant. The same officer shall ensure that the 9-1-1 communications center is notified as to the location of the search warrant as well as a list of staff assigned to the detail. The officer in charge is responsible for briefing all assigned staff participating in the execution of the warrant.

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- (f) It is the responsibility of the officer in charge to assess and recommend the most effective method of target approach and entry. If the T.R.T. Commander or designee is involved in the operation, he/she will be responsible for these tactical activities. Consideration must be given to the selection of specific radio channels, restricting entry to and exit from the scene of the search to allow for the safety of officers, and the use of specialized weapons and tools.
- (g) Securing subjects by handcuffing at the scene of a search is permitted based on the assessment of officers conducting the search. Consideration shall be given to factors including the presence of violent subjects, uncooperative subjects, subjects under the influence of drugs or alcohol, or at a location where multiple subjects are found. Frisks for weapons are permitted if consistent with current case law and necessary to protect officers.

311.6.3 SEARCH WARRANTS EXECUTED OUTSIDE THE CITY

- (a) Duluth officers may apply for warrants outside the City of Duluth.
- (b) Application must be made to the court which has jurisdiction in the area where the place to be searched is located.
- (c) The warrant may be directed to any police officer with jurisdiction, which includes any on-duty Duluth police officer, within the State of Minnesota. Outside the state the warrant must be directed to an officer with jurisdiction.
- (d) When executing a search warrant outside the city, the agency with primary jurisdiction should be notified as soon as practicable. The agency with primary jurisdiction should be responsible for the entry with Duluth officers conducting the search.
- (e) In situations involving limited manpower in the primary jurisdiction, Duluth officers may assist in the entry. If practical, permission should be obtained from the Deputy Chief before participating in out of jurisdiction entry.

311.6.4 PERSONNEL

- (a) The officer in charge must determine what personnel are necessary and notify those staff members.
- (b) If personnel are necessary from other investigative units or agencies, a request must be made through the involved unit or agency leaders.
- (c) If T.R.T. personnel are needed, on-duty personnel should be contacted first. Additional T.R.T. personnel are activated by the on-duty patrol unit leaders, the T.R.T. commander or designee.
- (d) The officer in charge organizes the search, designating which officers will search what areas. Searching officers must know what items are designated on the search warrant to be seized.

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- (e) It is advisable that one officer is assigned to photograph and/or videotape the execution of the search warrant and to identify locations of evidence during the search.
- (f) It is advisable that at least one officer be assigned to collect, package, and process all evidence seized during the warrant and complete the appropriate documentation related to this assignment.
- (g) All evidence shall be collected in accordance with Chapter 8, Policy 804 Property and Evidence.

CALEA 1.2.4

Juvenile Operations

312.1 PURPOSE AND SCOPE

The Duluth Police Department is committed to the development and implementation of programs intended to prevent and control delinquent and criminal behavior by juveniles. These programs are developed with the input of allied agencies which also deal with juveniles so there is a coordinated effort in dealing with these problems. Responsibility and support for these programs will be shared by all members of the Department.

312.2 DEFINITIONS

Child or Juvenile - An individual under 18 years of age, and includes any minor alleged to have been delinquent or a juvenile traffic offender prior to becoming 18 (Minn. Stat. § 260B.007 Subd. 3). A child under 14 years of age is not capable of committing a crime (Minn. Stat. § 609.055 Subd. 1).

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

Delinquent Child or Juvenile - A child (Minn. Stat. § 260B.007 Subd. 6):

- (a) Who has violated any state or local law, except for violation of certain traffic offenses under Minn. Stat. § 260B.225 Subd. 1, petty offenses under Minn. Stat. § 260B.007 Subd. 16, and minor marijuana offenses under Minn. Stat. § 260B.007 Subd. 18.
- (b) Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court.
- (c) Who has escaped from confinement from a local juvenile or state juvenile correctional facility after being committed.

Legal Custody - The right to the care, custody and control of a child who has been taken from a parent by a court, or in accordance with law (Minn. Stat. § 260B.007 Subd. 8).

Parent - A birth or adoptive parent (Minn. Stat. § 260B.007 Subd. 10).

Relative - A stepparent, grandparent, brother, sister, uncle or aunt by blood or marriage (Minn. Stat. § 260B.007 Subd. 12).

Secure Detention Facility - A physically restricting facility, including, but not limited to, jails, hospitals, state institutions, residential treatment centers or a detention home (Minn. Stat. § 260B.007 Subd. 14).

312.2.1 REVIEW OF POLICIES

It will be the East and West Area Commanders responsibility to annually review all of the policies and procedures that affect juvenile matters. The East and West Area Commanders will consult with the St. Louis County Juvenile Court System or other subject matter experts on matters that pertain to juvenile issues and/or policy as appropriate. In the event of any significant changes in State law, revisions to policy, or Juvenile Court procedures, the Subject Matter Expert (SME)

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will forward input and recommendations to the East and West Area Commanders for review and recommendations on the updating and revision of the departmental Directives Manual.

312.2.2 EVALUATION OF ONGOING PROGRAM

It is the responsibility of the department's West and East area Community Sgt to annually review and provide written evaluation of all of the juvenile enforcement, recreational youth programs and prevention programs of the Duluth Police Department. The review will be forwarded to the Chief of Police for approval, and will include, but is not limited to the following:

- Whether or not existing programs should continue;
- Whether new programs should be added; and
- Whether existing programs need to be updated or changed due to changes in MN State Statute.

Prior to any program changes or revisions, a written recommendation will be submitted to the Chief of Police. If practical, this should be done prior to the start of the school year.

312.2.3 SHARED RESPONSIBILITIES

All department members will follow the department policies and procedures concerning juvenile matters contained in this section of the Policy Manual.

All police officers should maintain a working knowledge of MN Juvenile Justice statutes 260B, and 260C.

The department encourages participation in community recreational youth programs. The department takes an active leadership role in developing these community recreational programs for juvenile.

312.3 AUTHORITY TO DETAIN

- (a) When an officer has probable cause that a child (Minn. Stat. § 260B.143 Subd. 1):
 1. Is a juvenile petty offender.
 2. Has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult.The officer may issue a notice to the child to appear in juvenile court in the county in which the child is alleged to have committed the offense.
- (b) An officer may take into immediate protective custody any juvenile (Minn. Stat. § 260C.175 Subd. 1):
 1. When the child appears to be or is a runaway, but only for the purpose of transporting the child home, to the home of a relative or to another safe place.
 2. When the child is found in surroundings or conditions that endanger the child's health or welfare or which an officer reasonably believes will endanger the child's health or welfare.

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3. Who is a habitual truant under Minn. Stat. § 260C.143.
4. With a court order or warrant.
5. When it is reasonably believed that the juvenile has violated terms of probation, parole or other field supervision.

Whenever an officer takes a child into custody for the above section, the officer shall notify the parent, guardian or custodian as soon as possible. Unless there is reason to believe that the child would endanger him/herself or others or not return for a court hearing, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian or other suitable relative (Minn. Stat. § 260C.176 Subd. 1).

If the child is not released, the court shall be notified as soon as possible and be provided the reasons for detention (Minn. Stat. § 260C.176 Subd. 2).

- (c) An officer may take into immediate custody any delinquent juvenile (Minn. Stat. § 260B.175 Subd. 1):

1. In accordance with the laws relating to arrests.
2. With an order of the court or a warrant.
3. When it is reasonably believed that the juvenile has violated terms of probation, parole or other field supervision.

Whenever an officer takes a child into custody for the above section or Minn. Stat. § 260B.154, the officer shall notify the parent or custodian that under Minn. Stat. § 260B.181 Subd. 2, the parent or guardian may request that the child be placed with a relative or a designated caregiver instead of a shelter care facility (Minn. Stat. § 260B.175 Subd. 3).

- (d) An officer shall take a juvenile into custody when there is probable cause to believe that the juvenile is committing or has committed an unlawful act that involves;

1. The possession, use or threatened use of a firearm or dangerous weapon.
2. A crime of violence resulting in injury or domestic violence.

- (e) Taking a child into custody under the provisions of these sections shall not be considered an arrest (Minn. Stat. § 260B.175 Subd. 2).

312.3.1 AUTHORITY TO SEARCH

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

312.4 INTERVIEWING JUVENILES

Minnesota allows juveniles that have been taken into custody, to be interviewed if they understand their Miranda Warning. Factors to consider are:

- (a) The individual's age;

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- (b) The individual's level of intelligence; and
- (c) Whether or not the individual has had previous contact with the criminal justice system or police.

It is the officer's responsibility to ensure that the juvenile understands his rights and knowingly waives them prior to taking a custodial statement. Even if a juvenile consents to an interview if the court determines that the circumstances were coercive the statement will be suppressed. For this reason officers need to be aware of the coercive nature of multiple officers, exposed weapons, whether or not the door is closed/locked, length of the interview, etc. These considerations must be carefully considered prior to an interview and the circumstances must be documented in the report on the interview.

Parents must be notified before a custodial interview if:

- The juvenile does not understand the Miranda warning; or
- They request their parent or guardian be present.

312.4.1 LENGTH OF INTERVIEW/INTERROGATION

The length of the interrogation should be commensurate with the matter under investigation and the criteria listed above. The situation should not be unnecessarily stressful for the individual. A single officer should conduct the interview.

It is advisable to explain the Department's juvenile procedures, the court procedures, and what the juvenile can expect to occur concerning the investigation.

312.4.2 INTERVIEWS ON SCHOOL PROPERTY

Officers wishing to interview a student at school should contact the appropriate School Resource Officer (SRO) for assistance. Due to the nature of interviews on school property officers unfamiliar with the procedure should contact an SRO even if one is not assigned to the school. Because a student's mobility in school is strictly controlled a student is not "free to leave" a non-custodial interview unless a pass is presented to them at the time they consent to the interview. When interviewing a juvenile, witness or suspect, on school property, the school administrator shall be advised. The administrator may assist the officer in making any necessary parental contact prior to the interview.

These procedures **do not apply** to victims of alleged physical or sexual abuse, or minors that live with them.

312.4.3 ARREST OF JUVENILES

When an officer has probable cause that a child (Minn. Stat. § 260B.143 Subd. 1):

- Is a juvenile petty offender.(44.2.2.a)
- Has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult. (44.2.2.a)

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The officer may issue a notice to the child to appear in juvenile court in the county in which the child is alleged to have committed the offense. (44.2.1.b)

An officer may take into immediate protective custody any juvenile (Minn. Stat. § 260C.175 Subd. 1):

- When the child appears to be or is a runaway, but only for the purpose of transporting the child home, to the home of a relative or to another safe place.
- When the child is found in surroundings or conditions that endanger the child's health or welfare or which an officer reasonably believes will endanger the child's health or welfare.
- Who is a habitual truant under Minn. Stat. § 260C.143.
- With a court order or warrant.
- When it is reasonably believed that the juvenile has violated terms of probation, parole or other field supervision.

Whenever an officer takes a child into custody for the above section, the officer shall notify the parent, guardian or custodian as soon as possible. Unless there is reason to believe that the child would endanger him/herself or others or not return for a court hearing, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian or other suitable relative (Minn. Stat. § 260C.176 Subd. 1). (44.2.2.a)

If the child is not released, the court shall be notified as soon as possible and be provided the reasons for detention (Minn. Stat. § 260C.176 Subd. 2). (44.2.1.d)

An officer may take into immediate custody any delinquent juvenile (Minn. Stat. § 260B.175 Subd. 1) (44.2.2.a)

- In accordance with the laws relating to arrests.
- With an order of the court or a warrant.
- When it is reasonably believed that the juvenile has violated terms of probation, parole or other field supervision.

Whenever an officer takes a child into custody for the above section or Minn. Stat.

§ 260B.154, the officer shall notify the parent or custodian that under Minn. Stat. § 260B.181 Subd. 2, the parent or guardian may request that the child be placed with a relative or a designated caregiver instead of a shelter care facility (Minn. Stat. § 260B.175 Subd. 3). (44.2.2.e)

An officer shall take a juvenile into custody when there is probable cause to believe that the juvenile is committing or has committed an unlawful act that involves;

- The possession, use or threatened use of a firearm or dangerous weapon.
- A crime of violence resulting in injury or domestic violence.

Taking a child into custody under the provisions of these sections shall not be considered an arrest (Minn. Stat. § 260B.175 Subd. 2).

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312.5 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so. Additionally, juvenile records shall be kept separate from records of those over 18 years of age (Minn. Stat. § 260B.171 Subd. 5).

312.5.1 RELEASE OF INFORMATION TO OTHER AGENCIES

Minnesota law authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Unit Supervisors to ensure that personnel of those bureaus act within legal guidelines (Minn. Stat. § 260B.171 Subd. 5 (b) and (8)).

312.5.2 SCHOOL NOTIFICATION

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

- (a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, that the victim is a student or staff member, and the notice is reasonably necessary for the protection of the victim.
- (b) For certain serious crimes regardless of whether the victim is a student or staff member.

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

312.6 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

312.6.1 COLLECTION OF PHYSICAL EVIDENCE

A. Photographing/Videotaping

Photographing of juveniles in custody is prohibited by M.S. 260B.171, Subd. 5, which states, in part: "No photographs of a child taken into custody for any purpose may be taken without the consent of the juvenile court unless the child is alleged to have violated Section 169A.20." This allows the videotaping of a juvenile when they have been arrested for driving while intoxicated, or aggravated driving while intoxicated, as part of the normal DWI arrest procedure. An officer photographing a child outside the statutory guidelines may be guilty of a misdemeanor.

The Police Department has permission from the juvenile court to take photographs of all juveniles that have been found guilty of felonies or admitted to a felony.

B. Photographic Lineups of Juveniles

Photographic lineups of juveniles are conducted in the same manner as photographic lineups of adults. Only one suspect photo may be in each lineup accompanied by five photos of non-suspects that match the description provided by the witness. There are no additional restrictions

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concerning juveniles as photographs may be used for investigative purposes (Minnesota Statute 260B.171, Subd.5c).

C. Fingerprints of Juveniles

Juveniles arrested for felonies may be fingerprinted.

D. Other Forms of Biological Evidence

Procedures for obtaining other forms of biological evidence, such as blood or urine samples, from juveniles are the same as for adults, i.e., consent search, search warrant, etc. If records of these items are retained, they are kept separate from adult records.

312.6.2 DETENTION OF JUVENILES

Criteria for detention of juveniles. Minnesota Statute 260B.171, Subd. 1, governs the detention of juveniles for a crime and states that a juvenile should not be taken into custody unless:

- it is reasonably believed that the child would physically endanger himself or others;
- it is believed the juvenile would not return for a court hearing;
- it is believed the juvenile would not remain in the care and control of the person to whose lawful custody he/she is released; or
- by releasing the child his health or welfare would immediately be endangered.

Juveniles arrested without a warrant and placed in a detention facility must have a judicial determination made, within 48 hours that probable cause exists for the detention. Officers complete a "Judicial Determination of Probable Cause to Detain" form in order for the judicial review to occur.

312.6.3 STATUS OFFENSES

Juveniles who have committed only a status offense who are not able to be released to a parent or guardian may be taken to the St. Louis County Initial Intervention Unit if the officer believes he cannot safely release the individual. Status offenses are acts which, if committed by an adult, would not be a crime.

312.6.4 TRANSPORTATION

Juveniles lodged at the Arrowhead Juvenile Center, Detox, or taken to the Initial Intervention Unit are transported without delay to those locations after the completion of the initial investigation. If the juvenile requires medical assistance, it is obtained prior to transporting them to the appropriate facility.

312.6.5 PARENTAL NOTIFICATION

Minnesota Statute 260C.176, outlines an officer's responsibilities concerning notification of the parents, guardian or custodian of a child taken into custody. Officers must provide the following information:

- The reason for custody and why the child is being placed in detention; and

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- The location of the facility unless that would pose a danger for the child; and
- That the parents, guardian or custodian and the attorney or guardian ad litem may make an initial visit at any time to see the juvenile; and
- That the child may make an initial telephone call to the parents, guardian, custodian or attorney immediately.

If notification is not made by the officer, it is the responsibility of the supervisor of the detention facility or shelter care facility to make the notification.

312.6.6 DOCUMENTATION

Whenever a juvenile is detained (this does not include investigatory detentions which result in the juvenile being released), an investigation report detailing the incident must be completed by the officer involved.

When the detention is for a status offense (an act which, if committed by an adult, would not be a crime, e.g., runaway, consumption of alcohol, truancy), a delinquent act, or a crime, an arrest report must be completed. The initials of the juvenile arrested and other information requested is entered into the arrest record located at the Police Desk.

312.6.7 CRIMINAL CONDUCT ON SCHOOL BUSES

When responding to allegations of criminal conduct on school buses or Duluth Transit Authority (DTA) buses being used to transport Duluth School District students, officers will consult with school officials, transportation personnel, parents, and the students involved to ensure student safety and deal appropriately with those who violate the law.

When dispatched to an incident involving criminal conduct on a school bus the responding officer shall:

- Investigate the incident using the same procedures as followed in other criminal investigations involving juveniles or adults;
- Complete an INCIDENT REPORT if required Or appropriate;
- Issue citations or take persons into custody, if appropriate;
- Notify school officials of the reported incident and what action was taken.

312.7 ALTERNATIVES TO DETENTION

312.7.1 ISSUING CITATIONS

When a juvenile is not placed in detention but is being charged, citations may be issued using the following guidelines taking into consideration The Juvenile XXX of the County Attorney's Office prosecutes in the following instances so the court date is "to be set":

- All violations committed by persons up to and including fifteen years of age;
- Major violations committed by 16 and 17 year olds defined as misdemeanors and gross misdemeanors (including reckless driving, careless driving, hit and run, no

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insurance, driving after revocation, driving after suspension, driving after cancellation, no valid driver's license). (Does not include DWIs committed by 16 and 17 year olds);

Adult court handles the following traffic violations committed by juveniles (16 and 17 year olds):

- Petty misdemeanor traffic violations; and
- DWIs committed by 16 and 17 year olds, and any traffic offenses committed as one course of action with the DWI.

Officers should attempt to contact the parents and advise them of the incident. Parents may be summoned to the scene, asked to respond to Headquarters to pick up their child or contacted by phone. If parents are unable to respond or be located, juveniles may be released or transported home.

312.7.2 DETOXIFICATION OF JUVENILES

Juveniles under the influence of alcohol or a controlled substance may be transported to the Detoxification Center if their parent or guardian cannot be located or if the parents feel they are unable to control the juvenile in their current condition. Juveniles considerably under the influence should never be released without adult supervision.

Officers' responsibility to notify the parents of children placed in the Detoxification Center is outlined in Section V. D, of this order. If the officer does not make the notification, it is the responsibility of the supervisor of the care facility to make the notification.

312.7.3 ALTERNATIVES TO CITATION/WARN AND RELEASE OF JUVENILES

Officers should consider alternatives to citations and may warn and release juveniles involved in minor offenses particularly if the juvenile is a first time offender. Officers should attempt to advise parents of the incident. Parents may be summoned to the scene, asked to respond to Headquarters to pick up the juvenile or contacted by phone. If parents are unable to respond or be located, juveniles may be released or transported home. Officers are encouraged to work with schools to consider alternatives to citations and arrests.

312.8 SCHOOL RESOURCE OFFICERS

School Resource Officers (SRO) are assigned to high schools and middle schools. Their primary responsibility is to conduct criminal investigations regarding school aged juveniles, and act as a liaison and resource for educators, parents, and students. Due to their high level of involvement with the students the Department relies on their judgment and grants them great leeway in how they deal with juveniles regarding enforcement.

CALEA 44.1.1, 44.1.2, 44.1.3, 44.2.1, 44.2.2, 44.2.3, 44.2.4, 82.1.2

Custodial Transportation

315.1 PURPOSE AND SCOPE

Prisoners or persons being transported by police officers for any custodial purpose, such as to a detention facility, detoxification center, a hospital for emergency commitment, or for any other reasons where a person's freedom is restricted, will be transported using the same procedures set forth in this Policy.

315.2 PROCEDURE

The purpose of these guidelines is to promote officer safety.

315.2.1 SEARCHES

Prisoners

- All prisoners must be searched prior to placing them in squad.

Squads

- Squads must be inspected at the beginning of each shift to ensure that no contraband or other items are in the rear seat area. Squads must also be searched before and after transporting a prisoner for the same reason.

315.2.2 HANDCUFFING

All prisoners must be handcuffed, behind their backs, with exceptions noted under special situations. Officers should "gap" and double lock handcuffs.

Mentally disturbed persons that have the potential for harming themselves, or others, or are at risk of fleeing, should be handcuffed.

Persons being transported to a detoxification center are handcuffed at the officer's discretion.

315.2.3 TRANSPORTING PRISONERS

Marked squads used to transport prisoners must have the door handles and window cranks removed from the rear doors. The rear door locks must not be operable from the rear seat.

Squads Without Barriers

- In general squads without barriers should not be used to transport prisoners. Two officers are required to transport a prisoner if the squad is not equipped with a protective barrier. The prisoner must be non-combative and must be seated in the right rear seat, the passenger officer in the left rear seat. Two prisoners should not be transported in a squad not equipped with a barrier.

Barrier Equipped Squads

- When transporting with a barrier, prisoners are placed in the rear seat. Multiple, non-combative prisoners may be transported together. A combative prisoner may not be transported with another prisoner.

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Required Communications

Officers transporting a prisoner must notify the Communications Center:

- that they are transporting a prisoner
- of the number of prisoners
- of their destination
- upon their arrival
- giving mileage is recommended but not required

315.2.4 SPECIAL SITUATIONS

a. Juveniles and Prisoners of the Opposite Sex

- Officers may transport juveniles and prisoners of the opposite sex.

b. Handicapped Prisoners

- Handicapped prisoners are handcuffed at the discretion of the officer.
- Handicapped prisoners may be transported in squads if the officer believes it is safe to do so. In other situations, alternatives to custodial arrests should be considered.
- If a custodial arrest is necessary and the prisoner cannot be safely transported in a squad, the officer must contact his unit leader. The unit leader determines the appropriate vehicle for transportation (ambulance, convalescence van, etc.)

c. Injured/Sick Prisoners

- Injured prisoners are handcuffed at the officer's discretion.
- Prisoners with more than a minor injury should be evaluated/transported by Gold Cross Ambulance. Injuries or illnesses requiring medical attention must be treated at a hospital emergency room prior to going to the detention facility. While at the hospital the prisoner should not be out of the officer's sight.
- If a prisoner is admitted to the hospital, the Station Commander must be notified to determine appropriate security, if any.
- If an injured or sick prisoner is transported by ambulance one officer must accompany the prisoner in the ambulance.

315.2.5 INTERRUPTING PRISONER TRANSPORTATION

The primary responsibility of an officer transporting a prisoner is the safe delivery of the prisoner to the detention facility.

An officer transporting a prisoner may stop and render aid to third persons or police officers needing assistance. The officer must evaluate the situation to ensure that the prisoner's safety and security are not compromised. The officer must not be out of sight of the prisoner.

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315.2.6 PRISONER COMMUNICATIONS

Prisoners need not be allowed to speak with anyone prior to reaching the detention facility. Spontaneous statements made by a prisoner during transport, which are relevant to the investigation, should be documented in a report.

315.2.7 ESCAPES

Officers must make every attempt to return an escaped prisoner to custody. Upon the escape of a prisoner, the transporting officer notifies the Communications Center and requests an "Attempt to Locate" be broadcast on the escaped prisoner. The following information is provided to the Communications Center for the "ATL":

- the last known location of the prisoner
- the direction of travel
- the amount of time that has elapsed
- a complete description
- the offense for which the person was arrested

The officer should also request the Communication Center notify the Station Commander.

The Station Commander determines:

- if a canine should be dispatched to assist
- the commitment of manpower to locating the prisoner
- whether to enlist formal mutual aid in locating the prisoner
- whether any media announcements are appropriate.

315.2.8 LODGING PRISONERS

Officers arriving at the County Jail inform jail staff, prior to entering the secure garage, of the number of prisoners, their sex, and their level of cooperation. Upon entering the garage officers secure their handguns in the lockers provided, prior to removing the prisoner from the squad, officers may not bring firearms into the Jail. Prisoners remain handcuffed until entering the booking area through the sally port, Jail officials will not allow non-handcuffed prisoners into the Jail. Jail officials determine when the handcuffs are removed, and under what circumstances. Officers complete the booking paperwork required by the County and issue citations when appropriate. Copies of these documents are included with the officer's paperwork which is delivered to Headquarters. If the prisoner has medical issues, is a suicide risk, or has been violent the jail staff are notified.

Orders for Protection

313.1 PURPOSE AND SCOPE

The Department and State of Minnesota are committed to protecting persons from violence. Minnesota Statute 518B.01 allows arrests for violations of Orders for Protection and No Contact Orders based on probable cause.

In addition, the 1994 Violence Against Women Act (VAWA) directs jurisdictions to give full faith and credit to [enforce] valid orders of protection issued by other jurisdictions. (18 U.S.C. 2265) Officers shall enforce the provisions of valid protection orders issued in other jurisdictions and by tribal nations in compliance with Title IV of the Violent Crime Control and Law Enforcement Act (P.L. 103-322, Section 225).

313.2 DEFINITIONS

Minnesota Statute 518B.01(b) "Family or household members" means:

- (a) spouses and former spouses;
- (b) parents and children;
- (c) persons related by blood;
- (d) persons who are presently residing together or who have resided together in the past;
- (e) persons who have a child in common regardless of whether they have been married or have lived together at any time;
- (f) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- (g) persons involved in a significant romantic or sexual relationship.

Probable Cause: A belief, based on an officer's observations and reasonable judgment, and statements by parties and witnesses involved, that a crime occurred and the subject to be arrested committed the crime.

Ex Parte Order: An order granted by the court (including an Order for Protection) granted for a set period of time, usually for the period between application and a formal hearing. If no hearing is held, then the Ex Parte Order stands as the protection order. An Ex Parte Order carries the full force and effect of any post-hearing order.

Protection Order: Under the Federal Violence Against Women Act a protection order is defined as: any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact, or communication with, or physical proximity to, another person. (M.S. 518B.01, Subd. 14)

Criminal No Contact Order: An order issued by the court against a defendant in a criminal proceeding for domestic abuse which prohibits the defendant from any contact with the victim. A

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Criminal No Contact Order is initiated by the Judge, not on petition from the victim; it is personally issued to the Respondent by the Judge and is signed by the Respondent. (M.S. 518.B01, Subd 22)

313.3 PROCEDURE

For the purpose of this general order, Ex Parte Orders, Orders for Protection, Criminal No Contact Orders and protection orders from other jurisdictions are referred to as Protection Orders; there is no distinction in actions or obligations of the officer in response to violations of these orders unless specified.

313.3.1 MANDATORY ARREST

A warrantless probable cause arrest is **required** for violations of the following conditions of a protection order:

- restraining the person (from committing further acts of domestic abuse), (518B.01, Subd 14(e)); or
- violations excluding the person from the residence or the petitioner's place of employment; (518B.01, Subd 14(e)). (518B.01, Subd 18(2) states that the respondent is forbidden to enter or stay at the petitioner's residence, even if invited to do so by the petitioner or any other person; in no event is the order for protection voided.)
- violations of a domestic abuse criminal no contact order (this includes any type of contact) (518B.01, Subd 22).

An arrest is **required** even if the violation did not take place in the officer's presence; it is not a violation by the petitioner to invite and/or admit the other person into the residence. A violation of a protection order is a misdemeanor, unless it can be enhanced. Officers must determine if enhancement is appropriate by:

- interviewing the victim;
- interviewing the subject;
- researching available court and local records; and
- review of relevant statutes

There are no time constraints on arrest. An officer, in consult with a shift sergeant or lieutenant should determine a strategy to affect the arrest within the next 72 hours. The strategy should be recorded in a Case Activity.

313.3.2 DISCRETIONARY ARRESTS

Officers **may** make an arrest for an un-witnessed violation of an order for protection, even if it is not mandated (Section 325.3.1, above), Officer's may use their discretion in determining whether a custodial arrest, or the issuance of a citation (misdemeanors only) is warranted.

In all cases prior to making the arrest the officer must verify:

- the existence of the protection order;
- that a violation of terms and conditions of the protection order occurred; and

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- that probable cause exists that the offender knew the protection order existed.

313.3.3 FOLLOW-UP / REPORTS

When a violation of a protection order does not require a mandatory arrest, officers must determine if the conduct necessitates an arrest or the issuance of a citation to resolve the situation.

Department policy requires an officer investigating any alleged violation of a protection order to complete a written report. CAD notes do not constitute a report. Per department policy an officer must complete the Risk Questions and document the responses in the narrative. In all cases submitted reports will include statement forms, medical releases, MNCIS, criminal histories, and citations when one is issued. Reports should also include officer recommendations for follow up activity.

Reports should be completed before the end of the officer's shift:

- when a custodial arrest is made;
- when there is probable cause for a custodial arrest but the subject was not arrested; or
- when there is a compelling public safety risk

If a report is coded domestic, patrol supervisors are responsible for ensuring Case Activity entries are made to DVRT.

The patrol supervisor will ensure the necessary referrals to DVRT are made and documented in the Case Activity.

The Domestic Violence Response Team (DVRT) conducts follow up investigation on domestic arrests and arrests for violations of protection orders. DVRT will process the reports necessary for custodial arrests and ensure that the charges are appropriate. The unit will also follow up on investigations that do not result in an arrest when they believe the offender or family needs intervention not available from the Patrol Division.

313.3.4 LOCATING SUSPECT

Officers shall attempt to locate suspects when they have probable cause to believe that suspects have violated a protection order as long as the officer has information or leads regarding possible locations of the suspects.

313.3.5 VICTIM ASSISTANCE

Officers will provide the victim with the DPD Crime Victim Information Card that contains the ICR number and the officer's name. Officers shall advise victims of the availability of services of Safe Haven Shelter and Dabinoo'Igan Shelter.

Following an arrest for protection order violation, officers shall advise the victim that an advocate will be contacting them to explain their legal rights and options.

Before clearing the incident officers shall notify the local battered women's program if :

- an arrest for violation of a protection order has been made;

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- an arrest for a domestic assault has been made;
- the respondent makes a statement or threat that indicates a risk to the petitioner during or after being served or arrested.

If possible they will also notify the victim if threats are made against them.

Officers shall include in their report who was notified.

313.4 FIREARMS - VIOLATION OF OFP/CONVICTIONS/SEIZURE

- (a) Federal law prohibits a respondent in a protection order from possession of firearms and ammunition (18 U.S.C. 922(g) (8)). When an officer determines that a valid protection order has been issued against a respondent, the officer should enforce the firearms prohibition and seize the weapons and ammunition. The seizure must be reported to the Federal Bureau of Alcohol, Tobacco, and Firearms by the seizing officer for possible prosecution. Seizure of weapons and ammunition subject to this prohibition is essential to victim and community safety.
- (b) Minnesota Statute 518B.01 Subd.14(j). When a person is convicted of violating an order for protection and the court determines the person used a firearm in anyway during commission of the violation, the court may prohibit the person from possessing any type of firearm for a designated period of time (refer to Statute for specific limitations in effect). The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant. A violation is a gross misdemeanor.
- (c) Minnesota Statute 518B.01 Subd.14 (k). Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but the courts may restrict access. A person who possesses a dangerous weapon in violation of this paragraph is guilty of a felony.

The purpose of this is twofold, to preserve evidence and also to safeguard the welfare of the people involved.

313.5 MUTUAL ORDERS

Sometimes a protection order will contain a mutual "no contact" provision or it will direct both parties not to abuse each other. The full faith and credits section of VAWA requires special safeguards for inter-jurisdictional enforcement of this type of order. Basically it states that an order should be enforced against the respondent and not the petitioner unless the issuing court made a specific finding that each party had abused the other. If such findings were made, the order may be enforced against both parties.

313.6 SHORT FORM NOTIFICATION

M.S. 518B Subd 8a. provides that in lieu of personal service of an Ex Parte Order or Order for Protection, a law enforcement officer may serve a person with a Short Form Notification.

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Orders for Protection

Standard Short Forms are available in the department. Short Form Notifications may be served anytime, including Sundays and legal holidays; officers are granted statutory authority to detain the respondent for a reasonable time necessary to complete and serve the short form notification. Officers shall not indicate to the respondent the existence of an OFP prior to its service. When the short form is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for the violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

In the case where an OFP was served via publication, squads should serve a short form to the respondent upon contact. This will ensure that future violations can be charged out appropriately.

After serving a short form notification, officers are to put the "court" copy and the "serving agency" copy in patrol's non-custodial in box.

Adult Abuse

314.1 PURPOSE AND SCOPE

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

314.1.1 DEFINITIONS

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

Abuse - Includes, but is not limited to, any act against a vulnerable person, including assault, the use of drugs to injure or facilitate crime, prostitution, criminal sexual conduct, conduct that produces or reasonably could produce physical pain, injury or emotional distress, and forcing or compelling a vulnerable adult to perform any services against their will for the advantage of another. Abuse need not constitute a crime. Serious and egregious conduct including verbal abuse that could reasonably be expected to cause emotional distress can be considered abuse.

Care or services - Care or services provided for the health, safety, welfare, or maintenance of a vulnerable adult.

Caregiver - An individual or facility responsible for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract or by agreement.

Financial exploitation - May include, but is not limited to, misuse of funds, breach of a fiduciary duty or withholding a vulnerable adult's funds or property. The acts or omissions need not constitute a crime to qualify as financial exploitation.

Neglect - The failure or omission by a caregiver, that is not the result of an accident or therapeutic conduct, to supply a vulnerable adult with care or services including, but not limited to, food, clothing, shelter, health care, or supervision that is necessary to obtain or maintain the vulnerable adult's health, safety or comfort, considering the physical and mental capacity or dysfunction of the vulnerable adult.

Vulnerable adult - A person 18 years of age or older who:

- (a) Is a resident or patient of a facility.
- (b) Receives services at, or from, a specific and licensed facility that is required to be licensed to serve adults under Sections 245A.01 to 245A.15.
- (c) Receives services from a licensed home care provider or a particular medical assistance program.
- (d) Who possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

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1. That impairs the individual's ability to provide adequately for his/her own care without assistance, including the provision of food, shelter, clothing, health care, or supervision.
2. Because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect him/herself from abuse, neglect, or financial exploitation.

314.2 POLICY

The Duluth Police Department will meet Minnesota mandates related to adults who may need heightened protection due to their age or infirmities. Members of the Duluth Police Department will treat these persons with a high level of compassion and care.

314.3 MANDATORY NOTIFICATION

Officers are mandated reporters (Minn. Stat. §626.5572 Subd. 16). If, during the course of an investigation, an officer has reason to believe that a vulnerable adult is being or has been abused, neglected or financially exploited, or who has knowledge that a vulnerable adult has sustained a physical injury that is not reasonably explained, the officer shall take a report, investigate, and immediately make a telephone report to the county agency designated to receive such reports (Minn. Stat. § 626.557 Subd. 3; Minn. Stat. § 626.557 Subd. 4).

Failure to report or document an incident, which includes providing false, deceptive, misleading or omitted information by any employee, may be a crime (Minn. Stat. § 609.234 Subd. 1).

Officers should report incidents to <https://mn.gov/dhs/reportadultabuse/> or call 1-844-880-1574 to make an oral report.

315.4 OFFICER'S RESPONSE

All incidents involving actual or suspected vulnerable adult abuse shall be responded to immediately, fully investigated and appropriately documented (Minn. Stat. § 626.557 Subd. 9b). A CAL referral shall be made to the appropriate investigative unit.

314.4 QUALIFIED INVESTIGATORS

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

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

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- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Minn. Stat. § 626.5571).

314.4.1 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS

In any situation where an officer reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may contact Adult Protective Services and request that they obtain a protective order against the person alleged to have committed or threatened such abuse if that person is not in custody (Minn. Stat. § 524.5-401). If an offense is taken where it is clear there has been family violence against an elder or dependent adult, upon arrest of the suspect, the officer should request that a social services agency seek an Emergency Protective Order.

314.5 INVESTIGATIONS AND REPORTING

Every allegation of vulnerable adult abuse shall be documented. When documenting vulnerable adult abuse cases, officers should include, at minimum (Minn. Stat. § 626.557 Subd. 9):

- (a) Time and date of the report.
- (b) Time, date, and location of the incident.
- (c) Name, address, and telephone number of the person reporting.
- (d) The basis of the reporter's belief that the vulnerable adult has been abused, neglected, exploited, or isolated.
- (e) The name and address of the person responsible for care, if there is one.
- (f) Names, addresses, and telephone numbers of persons involved, including, but not limited to, perpetrators, alleged victims, and witnesses.
- (g) Whether there was a risk of imminent danger to the alleged victim.
- (h) The nature and extent of the abuse, neglect, exploitation, or isolation of the vulnerable adult.
- (i) Any evidence of previous injuries.
- (j) Disability, if any, of the alleged victim.
- (k) Relationship of the alleged perpetrator to the alleged victim.
- (l) Whether or not a facility was involved.

The identity of persons reporting cases of vulnerable adult abuse is confidential and will only be released per the Records release and Security Policy (Minn. Stat. § 626.557 Subd. 5).

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

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

315.2 POLICY

The Duluth Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate, discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DISCRIMINATION PROHIBITED

315.3.1 DISCRIMINATION

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

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

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

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

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315.3.2 SEXUAL HARASSMENT

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

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Minnesota Department of Human Rights.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.3.4 IMPARTIALITY

All employees shall perform their duties and apply the law impartially and without prejudice or discrimination.

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

It is prohibited by law for peace officers to stop, detain, search or arrest anyone based on the person's race, national origin, citizenship, religion, ethnicity, economic status, disability, age, gender, sexual orientation or marital status without legal premise to do so. Especially done in such a manner that it may be construed to be Racial Profiling; the detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics.

315.3.5 CLASSROOM DISCRIMINATION

Discrimination in the classroom reduces the effectiveness of the training provided and generates biased images and models of performance. Complaints regarding discrimination in access to, or during a Department training program are promptly accepted and investigated.

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Classroom discrimination is defined as; "An act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another." Minnesota Rule 6700.0100 Subpart 25"

- (a) Complaints may be made orally or in writing by a person who was present when the alleged classroom discrimination took place, and was offended by it. Complaints are accepted following the completion of the class session during which the alleged discrimination took place. To facilitate the investigation of the complaint, the complaint should be presented as soon as possible after the conclusion of the classroom session.
- (b) The complaint may be made to the instructor of the class in which the alleged discrimination took place, the Officer Development Unit, or the Administrative Lieutenant. If the complaint is made to the class instructor that person must notify the Officer Development Unit as soon as possible. Officer Development must notify the Administrative Lieutenant and the accused of the complaint.

315.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources, or the City Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

315.4.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.

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- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

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

315.5 INVESTIGATION OF COMPLAINTS

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

315.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

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315.5.2 FORMAL INVESTIGATION

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

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

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

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Director of Human Resources or the City Administrator.

315.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

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

315.6 NOTIFICATION OF DISPOSITION

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

315.7 DOCUMENTATION OF COMPLAINTS

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

- (a) Approved by the Chief of Police, the City Administrator, or the Director of Human Resources, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

315.8 TRAINING

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

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All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

315.9 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARRASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Resources or the City Administrator, or they may contact the Minnesota Department of Human Rights.

Child Abuse

316.1 PURPOSE AND SCOPE

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

316.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

316.2 POLICY

The Duluth Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

316.3 MANDATORY NOTIFICATION

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

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

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

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

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

316.3.1 NOTIFICATION PROCEDURE

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

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

316.4 QUALIFIED INVESTIGATORS

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

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.

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- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

316.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

316.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county social services agency. Generally, removal of a child from his/her family,

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guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

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

Children may only be removed from a parent or guardian in the following situations (Minn. Stat. § 260C.175):

- (a) When a court has issued an order for removal.
- (b) When a child is found in surroundings or conditions that pose an imminent threat to the child's health or welfare or that a peace officer reasonably believes pose an imminent threat to the child's health or welfare.
- (c) If an Indian child is a resident of a reservation or is domiciled on a reservation, but temporarily located off the reservation, taking the child into custody under this clause shall be consistent with the Indian Child Welfare Act (25 USC § 1922).

316.6.1 NOTICE TO PARENT OR CUSTODIAN AND CHILD

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

If the parent or custodian was not present when the child was removed from the residence, the list shall be left with an adult who is on the premises or left in a conspicuous place on the premises if no adult is present. If the officer has reason to believe the parent or custodian is not able to read and understand English, the officer must provide a list that is written in the language of the parent or custodian (Minn. Stat. § 260C.175; Minn. Stat. § 260C.181).

316.6.2 SAFE PLACE FOR NEWBORNS

A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility, or ambulance service without being subject to prosecution (Minn. Stat. §

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609.3785). The responsible social service agency is charged with addressing these matters, but may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

316.7 INTERVIEWS

316.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

316.7.2 DETAINING ABUSE VICTIMS FOR INTERVIEW

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

- (a) Exigent circumstances exist, such as:
 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 2. A reasonable belief that the child is, or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

316.7.3 NOTIFICATION TO PARENTS

Generally, officers should cooperate with parents and guardians and seek consent prior to conducting interviews of children. However, when reasonably necessary, state law grants officers the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 260E.22, Subd. 1).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. When it is possible and substantial child endangerment or sexual abuse is alleged, the interview may take place outside the presence of the alleged offender and prior to any interviews of the alleged offender (Minn. Stat. § 260E.22).

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The officer shall notify the parent, legal custodian, or guardian that the interview occurred as soon as reasonably practicable after the interview, unless the juvenile court has determined that reasonable cause exists to withhold the information (Minn. Stat. § 260E.22).

316.7.4 INTERVIEWS AT SCHOOL

If officers assigned to investigate a report of maltreatment determine that an interview should take place on school property, written notification of the intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property (Minn. Stat. § 260E.22, Subd. 7).

The investigating officer shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place, and manner of the interview (Minn. Stat. § 260E.22, Subd. 7).

316.7.5 DOCUMENTING AND RECORDING INTERVIEWS

Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 260E.23):

- (a) The date, time, place, and duration of the interview.
- (b) The identity of the persons present at the interview.
- (c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney's office regarding recording interviews of a child abuse victim.

316.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian, or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

316.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

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316.9.1 SUPERVISOR RESPONSIBILITIES

The Major Crimes Unit supervisor should:

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

316.9.2 OFFICER RESPONSIBILITIES

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

- (a) Document the environmental, medical, social, and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Major Crimes Unit supervisor so an interagency response can begin.

316.9.3 SCHOOL NOTIFICATION

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

316.10 STATE MANDATES AND OTHER RELEVANT LAWS

Minnesota requires or permits the following:

316.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 260E.35).

316.10.2 CHILD MORTALITY REVIEW PANELS

Child mortality review panels are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (Minn. Stat. § 256.01, Subd. 12).

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316.10.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating officer shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating officer shall prepare a report separate from the social services agency (Minn. Stat. § 260E.12; Minn. Stat. § 260E.14, Subd. 5).

Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

316.10.4 NOTIFICATION PROCESS

The Patrol Supervisor is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 260E.01 et seq.).

316.11 TRAINING

The Professional Standards Unit should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

316.12 ADDITIONAL INFORMATION

See the Department's procedural standard of practice guidelines for more information.

Missing Persons

317.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Endangered - A person the Department has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

- (a) The person is missing because of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary.
- (b) The person is missing under known dangerous circumstances.
- (c) The person is missing more than 30 days.
- (d) The person is under the age of 21 and at least one other factor is applicable.
- (e) There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.
- (f) The person does not have a pattern of running away or disappearing.
- (g) The person is mentally impaired.
- (h) There is evidence that a non-custodial parent may have abducted the person.
- (i) The person has been the subject of past threats or acts of violence.
- (j) There is evidence that the person is lost in the wilderness, backcountry or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.
- (k) Any other factor the Department deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.
- (l) There is sufficient evidence that a child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.
- (m) Qualify for a state AMBER Alert™ pursuant to Minn. Stat. § 299A.61, Subd. 1.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Minnesota Justice Information

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Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse and the Minnesota Crime Alert Network.

317.2 POLICY

The Duluth Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

317.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Major Crimes Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

317.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone, or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides, or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

317.4.1 INVESTIGATIVE RESOURCES AND SUPPORT

Additional support, investigative, and supervisory assistance should be requested as reasonably necessary. Any support assistance should be properly briefed and updated on the investigation status.

The handling investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with any information that may aid in the location and return of the missing or endangered person (Minn. Stat. § 299C.53 Subd. 3). If necessary, use the International Justice and Public Safety Network (NLETS), the Minnesota Crime Alert Network and MNJIS KOPS Alert to alert state, regional, and federal law enforcement agencies.

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317.4.2 INVESTIGATION OF MISSING AND ENDANGERED PERSONS

If it is determined the person is missing and endangered, the handling officer shall immediately (Minn. Stat. § 299C.53 Subd. 1 (b)):

- (a) Ensure that identifying and descriptive information about the person and involved suspects and vehicles is immediately entered into the NCIC system for persons under 21 years of age (42 USC. 5779 (a)).
- (b) Ensure the information is broadcast regionally, statewide, and nationally, or solicit the assistance of the Bureau of Criminal Apprehension to make the broadcasts.
- (c) Consult with the Bureau of Criminal Apprehension and request assistance as necessary.
- (d) Secure the crime scene and/or last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.
- (e) Implement multi-jurisdictional coordination and mutual aid plans when necessary. Factors to consider include:
 1. Inadequate Department resources.
 2. The investigation crosses jurisdictional lines.
 3. Existence of pre-established task forces or investigative teams.
- (f) Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.
- (g) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
- (h) Activate protocols for working with the media, including AMBER Alert and Minnesota Crime Alert Network.

For cases involving missing children the investigator shall comply with federal laws regarding the reporting and investigation of missing children cases (Minn. Stat. § 299C.53 Subd. 4).

317.4.3 SUPERVISOR RESPONSIBILITY

Once it is determined that the person is missing and endangered and the person was not found during the initial investigation, the watch commander or their designee must:

- (a) Notify the BCA (M.S. 299C.53) at 1-800-832-6446 (Section IV); notify the Major Crimes Bureau;
- (b) Instruct the communications center to enter the person in NCIC as missing; within two (2) hours of receiving the call from dispatch (U.S. Code, Title 42, Section 5781).
- (c) Instruct the communications center to notify all appropriate law enforcement agencies in the state and, if deemed appropriate, law enforcement agencies in adjacent states and jurisdictions of any information that may aid in the prompt location and safe return of a missing and endangered person.

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- (d) An AMBER ALERT may be activated if the following criteria are met:
- A child 17 years of age or younger is abducted;
 - There is reason to believe the victim is in immediate danger of physical injury, or physical or sexual abuse, and
 - There is information available to disseminate to the general public which could assist with the safe recovery of the victim and/or the apprehension of the suspect.

When all of these conditions are met, the watch commander, or their designee, contacts the Minnesota Bureau of Criminal Apprehension at 1-800-832-6446. The BCA will need descriptive information about the child and the abductor. The BCA activates the MN Crime Alert Network (MCAN) and works in conjunction with the Duty Officer from the XXX of Emergency Management to activate the alert over the State Emergency Alert System (EAS). The duty officer activates the EAS which immediately delivers the information to all participating radio and television stations. Stations are requested to broadcast the information every fifteen minutes for the first two hours, then every half hour for the next three hours. THE BCA must be immediately notified of the recovery of the child in order to cancel the AMBER ALERT.

317.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.
- (c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).
- (d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.
- (e) Determine when, where, and by whom the missing person was last seen. Interview the person who last had contact with the missing person.
- (f) Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).
- (g) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 18 years of age or there is evidence that the missing person is endangered. The BOLO should be broadcast as soon as practicable, but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.
- (h) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.

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- (i) Ensure that entries are made into the appropriate missing person networks:
 - 1. Immediately, when the missing person is endangered.
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (j) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (k) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (l) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (m) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (n) A missing persons report has to be completed anytime a NCIC number is created. The report must be turned in even if the person returns.
- (o) If a child runs after they have been recovered, an updated report with a new ICR number, NCIC number, run date, and time and details must be completed. A copy of the old report with the new information added/updated is acceptable, however, the original report must still be turned in.
- (p) Multiple runs from the same location will each require a separate ICR and separate NCIC number.

317.5.1 TELETYPE NOTIFICATIONS

When a missing person is under the age of 21, Dispatch shall send a teletype to the US Department of Justice and the NCIC within two hours after accepting the report (42 USC. § 5779(a) and 42 USC. § 5780(3)). To assist the Department of Public Safety, the teletype must note if the case involves an endangered person.

317.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

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317.6.1 SCHOOL NOTIFICATION

As necessary, the handling investigator will request that the school district in which a missing child is enrolled flag the pupil's records in such a manner that it is clear the record is that of a missing pupil. The school is responsible to flag the missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records (Minn. Stat. § 123B.08).

317.7 MISSING PERSONS LOCATED

When a missing person is located, the appropriate actions related to the type of recovery are required:

- (a) When a missing person is located alive, the investigation may be concluded after completion of the following:
 1. Verification that the located person is the reported missing person.
 2. Notify the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
 3. Cancel alerts (Minnesota Crime Alert, AMBER Alert), remove case from NCIC (Minn. Stat. § 299C.53. Subd. 2) and other information systems and remove posters and other publications from circulation.
- (b) When a missing person is located deceased, additional investigation includes the following:
 1. Secure the crime scene if this Department has jurisdiction.
 2. Contact the coroner, medical examiner, or forensic anthropologist to arrange for body recovery and examination.
 3. Collect and preserve any evidence at the scene.
 4. Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.

317.7.1 RECOVERED MISSING DATA ENTRY

Officers taking information of a recovered missing person must put the recovery ICR on the original missing persons report.

317.7.2 DECEASED FOUND TO BE A MISSING PERSON

If a deceased person has been identified as a missing person, the Bureau of Criminal Apprehension, or this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

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317.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies, and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to BCA.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks (Minn. Stat. § 299C.53, Subd. 2).
- (d) When a child is endangered, the fact that the child has been found shall be reported within 24 hours to BCA.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

317.9 JUVENILE SERVICES UNIT FOLLOW-UP

The investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile. This may also be done through the SRO at the missing person's school if applicable.
 1. The notice shall be in writing and should also include a photograph.
 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Shall review the case file to determine whether any additional information received on the missing person indicates that the person is endangered, and shall update applicable state or federal databases accordingly (Minn. Stat. § 299C.535(b); Minn. Stat. § 299C.535(c)).
- (d) Shall attempt to obtain the following, if not previously obtained, if the person remains missing after 30 days (Minn. Stat. § 299C.535(a)):
 1. Biological samples from family members and, if possible, from the missing person
 2. Dental information and X-rays
 3. Additional photographs and video that may aid the investigation or identification
 4. Fingerprints

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5. Any other specific identifying information
 - (e) Should consider contacting other agencies involved in the case to determine if any additional information is available.
 - (f) Shall verify and update the Minnesota Justice Information Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (42 USC § 5780).
 - (g) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
 - (h) Should consider taking certain actions if a person is missing after a prolonged period, generally exceeding 45 days. Those actions include:
 1. Developing a profile of the possible abductor.
 2. Using a truth verification device for parents, spouse, and other key individuals.
 3. Reviewing all reports and transcripts of interviews, revisiting the crime scene, reviewing all photographs and videotapes, re-interviewing key individuals, and reexamining all physical evidence collected.
 4. Reviewing all potential witness/suspect information obtained in the initial investigation and considering background checks on anyone of interest identified in the investigation.
 5. Periodically checking pertinent sources of information about the missing person for any activity, such as telephone, bank, Internet or credit card activity.
 6. Developing a timeline and other visual exhibits.
 7. Critiquing the results of the ongoing investigation with appropriate investigative resources.
 8. Arranging for periodic media coverage.
 9. Considering the use of rewards and crime-stoppers programs.
 10. Maintaining contact with the family and/or the reporting party or designee, as appropriate.
 - (i) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (42 USC § 5780).
 - (j) Should make appropriate inquiry with the Medical Examiner.
 - (k) Should obtain and forward medical and dental records, photos, X-rays, and biological samples as applicable.
 - (l) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCA (Minn. Stat. §

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299C.54) and enter the photograph into applicable missing person networks (42 USC § 5780).

- (m) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

317.10 TRAINING

Subject to available resources, the Professional Standards Lieutenant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

317.11 CASE CLOSURE

The Major Crimes Unit supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

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- (b) If the missing person is a resident of Duluth or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood, or because the person is now the subject of a criminal or civil warrant.

CALEA 41.2.5, 41.2.6

Public Alerts

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

318.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

318.2.1 STATUTE REQUIREMENTS

Release of information is controlled by Minnesota Legislation regarding Data Practices, Minnesota Statute Chapter 13.

318.3 RESPONSIBILITIES

318.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Duluth Police Department should notify their supervisor, Watch Commander or Major Crimes Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

318.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Deputy Chief, and the Public Information Officer, when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Deputy Chief

318.3.3 INCIDENTS INVOLVING OTHER AGENCIES

In instances involving other agencies, including the Medical Examiner, Duluth Fire Department, etc., information is only released by the Police Department's assigned Public Information Officer (PIO) or their designee. A coordinated release of information is most appropriate.

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318.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).

318.4.1 CRITERIA

Any non-familial case in which an individual is abducted, and the public can assist, will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

Employees shall follow the requirements of the Bureau of Criminal Apprehension (BCA) and implement an AMBER Alert if both of the following criteria are met:

- (a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.
- (b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be activated if there is no information to distribute. In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case.

318.4.2 PROCEDURE

The supervisor shall review the AMBER Alert checklist provided by the BCA to determine whether the abduction meets the AMBER Alert criteria. If the supervisor determines that the criteria are met, the supervisor shall contact the BCA Operations Center and provide the requested information using the following contact numbers:

- (651) 649-5451
- (800) 832-6446

In the event of a confirmed child abduction, whether or not an AMBER Alert is activated, procedures designed to alert the media should be followed.

- (a) The Public Information Officer, Watch Commander, or Major Crimes Unit Supervisor will prepare an initial press release that includes all available information that might aid in locating the child, such as:
 1. The child's identity, age, and description.
 2. Photograph if available.
 3. The suspect's identity, age, and description, if known.
 4. Pertinent vehicle description.

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5. Detail regarding location of incident, direction of travel, potential destinations, if known.
 6. Whether there is reason to believe the suspect has a relationship to the victim.
 7. Name and phone number of the Public Information Officer, or other authorized individual, to handle media liaison.
 8. A telephone number for BCA to call for further information.
 9. A telephone number for the public to call with leads or information.
- (b) The Public Information Officer, Watch Commander, or Major Crimes Unit Supervisor will notify the Communications Center at the BCA. After the information is checked, an AMBER Alert will be issued and the Minnesota Emergency Alert System (EAS) will be activated.
- (c) Fax the press release to the local television and radio stations.
- (d) The individual responsible for making notifications shall also consider the following resources, as the circumstances dictate:
1. Minnesota State Patrol (MSP)
 2. FBI local office
 3. Prompt entry of information into the U.S. Department of Justice National Crime Information Center Missing and Unidentified Person System (MUPS)
 4. National Center for Missing and Exploited Children
 5. Department Internet sites, communications, and resources
- (e) As additional information pertinent to the case becomes available, it shall be forwarded to BCA.
- (f) The Major Crimes Unit supervisor investigating the abduction, or other individual responsible for making notifications, shall prepare and forward to the previously described locations, additional information regarding the search and investigation.
- (g) Upon closure of the child abduction, the Major Crimes Unit Supervisor shall immediately notify BCA with the pertinent information.

318.5 MINNESOTA CRIME ALERT NETWORK

MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case. Law enforcement agencies, businesses, schools, and community members participate in the network.

318.5.1 CRITERIA

MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.

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318.5.2 PROCEDURE

If a supervisor determines that a MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information using the following contact numbers:

- (651) 649-5451
- (800) 832-6446

318.6 MISSING AND ENDANGERED PERSONS

318.6.1 DEFINITIONS

- (a) "Missing" means the status of a person after a law enforcement agency that has received a report of a missing person has conducted a preliminary investigation and determined that the person cannot be located. (M.S. 299C.52)
- (b) "Endangered" means that a law enforcement official has received sufficient evidence that the missing person is at risk of physical injury or death. The following circumstances indicate that a person is at risk of physical injury or death:
 - the person is missing as a result of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary;
 - the person is missing under known dangerous circumstances;
 - the person is missing more than 30 days;
 - the person is under the age of 21 and at least one other factor in this paragraph is applicable;
 - there is evidence the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication;
 - the person does not have a pattern of running away or disappearing;
 - the person is mentally impaired;
 - there is evidence that the person may have been abducted by a noncustodial parent;
 - the person has been the subject of past threats or acts of violence;
 - there is evidence the person is lost in the wilderness, back-country, or outdoors where survival is precarious and immediate and effective investigation and search and rescue efforts are critical; or
 - any other factor that the law enforcement agency deems to indicate that the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person missing and endangered.

318.6.2 INITIAL RESPONSE

Officers shall accept, without delay, any report of a missing person. The officer may not refuse to accept a missing person report on the basis that:

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- the missing person is an adult;
- the circumstances do not indicate foul play;
- the person has been missing for a short period of time;
- the person has been missing for a long period of time;
- there is no indication that the person was in the jurisdiction of the Duluth Police Department at the time of the disappearance;
- the circumstances suggest that the disappearance may be voluntary;
- the reporting person does not have personal knowledge of the facts;
- the reporting person cannot provide all of the information requested by the officer;
- the reporting person lacks a familial or other relationship with the missing person; or
- for any other reason, except in cases where the officer has direct knowledge that the person is, in fact, not missing and the whereabouts and welfare of the person are known at the time the report is being made.

If a person is determined to be missing and endangered, officers must treat it as an in progress major crime and ensure that their shift sergeant is notified. Time is a serious factor and assistance must be summoned early in the investigation.

Once it is determined that the person is missing and endangered, the investigating officers must:

- locate and interview witnesses, parents, family members, etc. obtaining descriptive information about the person (including recent photographs) and abductor (if applicable);
- if appropriate search the last known location of the victim, including the victim's home to ensure that the person is not present and to determine if there is a potential for trace evidence (officers must be aware that the parents, family members, etc. could be suspects and take that into consideration prior to searching and ensure that they have consent, exigent circumstances, or consider a search warrant (Policy 322 , " Search and Seizure);
- broadcast descriptive information as soon as possible;
- determine if there is an identified crime scene and take control of it which may include requiring the victim family to depart from their residence.

The watch commander or their designee must:

- notify the BCA (M.S. 299C.53) at 1-800-832-6446 (Section IV);
- notify the Major Crimes Unit;
- instruct the communications center to enter the person in NCIC as missing; within two (2) hours of receiving the call from dispatch (U.S. Code, Title 42, Section 5781);
- instruct the communications center to notify all appropriate law enforcement agencies in the state and, if deemed appropriate, law enforcement agencies in adjacent states

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and jurisdictions of any information that may aid in the prompt location and safe return of a missing and endangered person.

318.6.3 RECOVERY/CASE CLOSURE

When a missing and endangered person has been located, Investigators shall:

- verify that the person is the reported missing person;
- cancel alerts (Minnesota Crime Alert, AMBER Alert, etc), remove case from NCIC (as required by MN Statute 299C.53. Subd 2) and other information systems and remove posters and other publications from circulation;
- upon locating a missing and endangered person who was reported missing in another jurisdiction, officers shall instruct the communications center to notify the law enforcement agency having jurisdiction over the investigation, and that agency shall be responsible for making the appropriate cancellations;
- if appropriate, arrange for a comprehensive physical examination of the victim;
- conduct a careful interview of the person, document the results of the interview, and involve all appropriate agencies;
- notify the family/reporting party that the missing person has been located (In adult cases, the disclosure of the person's whereabouts and contact information cannot be given out without their consent);
- depending on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling, or other services for either the missing person or family/reporting party;
- perform constructive post-case critique. Re-assess the procedures used and update the department's policy and procedures as appropriate;
- if applicable, the case will be prepared for prosecution as any other major felony;
- if a deceased's remains are identified as a missing person, the Major Crime Unit shall attempt to locate family members of the deceased person and inform them of the death and location of the deceased person's remains. All efforts to locate and notify family members shall be recorded in the Case Activity Log (CAL).

318.7 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state, or federal law enforcement officer.

318.7.1 CRITERIA

The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

- (a) A law enforcement officer has been killed, seriously injured, or is missing while in the line of duty under circumstances evidencing concern for the officer's safety.
- (b) The investigating law enforcement agency has determined that:

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1. The suspect poses a serious risk to the public or other law enforcement personnel.
 2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.
- (c) A description of the offender, the offender's vehicle (including license plate or partial license plate) is available for broadcast.

318.7.2 PROCEDURE

The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.

CALEA 41.2.6

Victim and Witness Assistance

319.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

319.2 POLICY

The Duluth Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Duluth Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

319.3 CRIME VICTIM LIAISON

The lead investigator shall serve as the crime victim liaison. The crime victim liaison will be the point of contact of individuals requiring further assistance or information from the Duluth Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

319.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison shall assist the Minnesota Crime Victims Reparations Board in performing its duties and ensure that the Records Bureau forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171 or Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

The crime victim liaison will also (Minn. Stat. § 611A.27):

- (a) Serve for a sexual assault victim or a sexual assault victim's written designee as the liaison between the Duluth Police Department and a forensic laboratory.
- (b) Facilitate requests for information made by a sexual assault victim or written designee.
- (c) Provide an appropriate response to a victim's request for investigative data within 30 days.
- (d) Develop a procedure allowing a sexual assault victim to request that the sexual assault examination kit be submitted to a forensic laboratory if the victim had not previously authorized such submission.

The crime victim liaison or the authorized designee, in consultation with the Deputy Chief of Investigations should establish procedures for receiving requests for assistance in applying for U visa or T visa status, and make those procedures available to victims. The procedures should provide for responses to these requests to be made in compliance with applicable law and as set forth in the Immigration Violations Policy and applicable law (Minn. Stat. § 611A.95).

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319.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

319.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number, and any applicable case or incident number.
- (j) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:
 1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
 2. Offender release notification (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
 3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
 4. Victim and specific domestic violence victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)
- (k) A notice that a decision to arrest is the officer's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

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- (l) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reparations.

Upon the arrest of a suspect officers should make every effort to notify victims of the arrest made and if the arrest is a citation and release of the suspect or the suspect was lodged for the offense.

319.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

319.7 REVIEW OF SERVICES

On a biannual basis the S.C.A.N. Sergeant shall review our victim/witness resources to determine if any changes need to be made, if changes need to be made they will facilitate the changes to the victim/witness resource card and distribute the new information department wide.

CALEA 55.1.1, 55.1.2, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5

Hate or Prejudice Crimes

320.1 PURPOSE AND SCOPE

The Duluth Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

320.1.1 FEDERAL JURISDICTION

The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability (18 USC § 245).

320.2 DEFINITIONS

Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

320.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by :

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups relating to hate crime laws.

320.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this department receives a report of a suspected hate or prejudice crime, or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- (a) Officers will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.

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- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may establish that a hate or prejudice crime was involved.
- (d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers will include, in relevant reports, all available evidence indicating the likelihood of a hate or prejudice crime. All related reports will be clearly marked as "Hate or Prejudice Crimes", and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.
- (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or County Attorney.

320.5 MAJOR CRIMES UNIT RESPONSIBILITIES

If a case is assigned to the Major Crimes Unit, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

- (a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies as appropriate.
- (b) Maintaining contact with the victims and other involved individuals as needed.
- (c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

320.5.1 STATE HATE CRIME REPORTING

This department shall report hate or prejudice crime offenses in the form and manner, and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Supervisor or assigned to the Major Crimes Unit (Minn. Stat. § 626.5531, Subd. 2).

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

- (a) The date of the offense.
- (b) The location of the offense.
- (c) Whether the target of the incident was a person, private property, or public property.
- (d) The crime committed.

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- (e) The type of bias and information about the offender and the victim that is relevant to that bias.
- (f) Any organized group involved in the incident.
- (g) The disposition of the case.
- (h) Whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation.
- (i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

320.5.2 FEDERAL HATE CRIME REPORTING

The Records Supervisor should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Bureau procedures and in compliance with (28 USC § 534(a)).

320.6 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd. 1 and Subd. 4).

CALEA 82.1.4

Civil Disturbances/Labor Disputes

321.1 PURPOSE AND SCOPE

It is the responsibility of the Department to preserve the peace while protecting the rights of individuals to peacefully assemble and exercise free speech. The Department will only intervene when necessary and will take the least intrusive action necessary to maintain the peace. Officers will make reasonable efforts to employ non-arrest methods of crowd control but, when necessary, shall make arrests for violations of the law. Arrests should be non-custodial if possible.

Officers shall display a neutral attitude for any civil disturbance, or labor dispute. Participants should be advised of their rights and any activities that would be deemed unlawful in order to preclude the need for arrests or enforcement action.

321.2 DEFINITION

A civil disturbance is an action by any group or gathering that poses a substantial threat to peace, life, or property, or any tumultuous or violent activity that creates a grave risk of causing public alarm.

321.3 PROCEDURE

321.3.1 INITIAL RESPONSE

The district patrol squad and a shift sergeant are responsible for the initial response to a civil disturbance. The Watch Commander needs to be notified of the following as soon as possible:

- The number of participants;
- Identification of the leaders, contact information, and the purpose of the demonstration;
- Identification of complainant and desired police action;
- Potential for violence or disruptive behavior;
- Any observed or alleged criminal violations; and
- Any need for additional equipment (barricades, personnel, etc.)

In the initial response to a labor dispute the watch commander, or his designee, contacts management and labor officials directly. The purpose is to avoid any potential conflict between the groups by explaining their rights and restrictions. This communication should continue throughout the dispute.

321.3.2 WATCH COMMANDER'S RESPONSIBILITIES

The Watch Commander, or his designee, is responsible for continued monitoring of the situation and the Department's operational response. As necessary the Watch Commander will:

- Set up a command post;
- Designate a radio channel for all communications concerning the disturbance;

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- Initiate a request for mutual aid in accordance with Policy 327;
- Determine necessary traffic control;
- Ensure necessary equipment is obtained;
- Notify Command Staff through the Command Incident Notification process.

The Watch Commander may delegate any of the above activities but remains responsible for each of them being addressed as necessary.

321.3.3 LONG TERM OPERATIONAL PLANS

Prolonged events require the designation of an individual to be responsible for operational plans. This individual communicates plans, contact information, and other necessary information through the Command Incident Notification process. This eliminates the duplication of effort and ensures a consistent response by the Department. Shift sergeants are to be included in the distribution.

321.3.4 PUBLIC INFORMATION

The Watch Commander, and/or the PIO or their designee, will be in charge of all information disseminated by the Department. Other personnel asked for information on the incident may only provide information on the time and location of the press conference.

321.3.5 DE-ESCALATION/POST OCCURRENCE

The Watch Commander is responsible for reducing the number of personnel at the scene and those involved in related tasks, as the need for them subsides. Some security may need to be provided after the crowd has been dispersed.

Standards of Conduct

322.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors. This policy incorporates the elements of the Peace Officer Standards and Training Board (POST) Model Policy regarding the professional conduct of peace officers. However, this policy shall apply to all employees of this department (including volunteer, part-time and auxiliary employees).

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law (see generally Minn. R. 6700.1500).

The Department shall report annually to POST data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

All employees will abide by the department Code of Ethics, Mission Statement, Values and Core Beliefs.

322.2 CONDUCT POLICY

The continued employment or appointment of every member of the Duluth Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for his/her position or that brings discredit or harm to the professional image or reputation of the Department, its members, the City or the law enforcement profession.

Any disciplinary actions against officers arising from violations of this policy shall be investigated in accordance with the Internal Investigations Policy and the Peace Officer Discipline Procedures Act (Minn. Stat. 626.89).

322.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any supervisor or person in position of authority absent a reasonable and bona fide excuse.

An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:

- (a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the Watch Commander of the conflict or error of the order.
- (b) Provide details explaining the grounds for the belief of the conflict or error of the order.

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- (c) Request clarification, guidance and direction regarding following the order.
- (d) Request the order in writing should the conflict or error be unresolved.
- (e) Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.

322.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following causes for disciplinary action constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service.

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

Employees shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system. Police officers shall not, whether on- or off-duty, exhibit any conduct which discredits themselves or their department or otherwise impairs their ability, the ability of other officers, or the department to provide law enforcement services to the community.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee:

- (a) Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.
- (b) Activity that is incompatible with an employee's conditions of employment established by law or that violates a provision of any agreement or contract.
- (c) Violation of any rule, order, requirement or the failure to follow instructions contained in Department or City manuals.
- (d) Willful disobedience to any legal order properly issued by any superior officer of the Department.
- (e) Willful neglect of duty, including failure or refusal to perform a known mandatory, non-discretionary, ministerial duty of the office or employment within the time or in the manner required by law to perform (Minn. Stat. 609.43 (1)).
- (f) Dissemination of non-public data.
- (g) Unreasonable and unwarranted violence to a person encountered or person under arrest.
- (h) Under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property or rights (Minn. Stat. 609.43 (3)).

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- (i) Use of obscene, profane or derogatory language while on-duty or in uniform.
- (j) Unauthorized attendance while on-duty at official legislative or political sessions or functions.
- (k) Willful and inexcusable destruction or loss of Department property.
- (l) Violations of federal, state, local or administrative laws that are willful or inexcusable or involve moral turpitude, including violations of Minn. R. Ch. 6700.1600.
- (m) Commits any act in an official capacity knowing it is in excess of authority or forbidden by law (Minn. Stat. 609.43 (2)).
- (n) Any on- or off-duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, disgraceful or that tends to reflect unfavorably upon the Department or its members.

322.3.1 ATTENDANCE

- (a) Leaving the job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse and notification of your supervisor.
- (d) Failure to notify the Department within 72 hours of any change in residence address, phone number or emergency contact information.
- (e) Unauthorized absence from duty or abuse of leave privileges.

322.3.2 GENERAL CONDUCT

Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (c) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department or City property or while in any way representing him/herself as a member of this department, except as expressly authorized by the Chief of Police.
- (d) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- (e) Failure to maintain required and current licenses (e.g. driver's license, POST license) and certifications (e.g. first aid).

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- (f) Establishing an inappropriate social relationship with a known victim, witness, suspect or defendant of a Department case while such a case is being investigated or prosecuted as a result of such investigation.
- (g) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personal vehicles, equipment, and non-subpoenaed records.
- (h) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (i) Unauthorized possession of, loss of or damage to, Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (j) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities may result in criminal prosecution or discipline.
- (k) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (l) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity.
- (m) The use of any nonpublic data obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline.
- (n) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (o) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (p) Employees shall not make referrals to specific attorneys, bail bondsmen, towing services or other businesses, or in other ways show a preference for any business while performing on-duty services.
- (q) On-duty officers shall be armed at all times anytime they are outside of headquarters, with exceptions approved by the Chief or their designee. Weapons must conform to Department specifications.
- (r) All sworn uniform personnel are required to carry their badges, handcuffs, and chemical aerosol while on-duty or in uniform. Plainclothes officers must carry their badges, handcuffs, and Department issued identification when on-duty.. It is strongly recommended that plainclothes officers carry chemical aerosol while on-duty. Exceptions may be made by the Chief or their designee.
- (s) Employees shall not allow any person to enter a police facility to sell goods or services, to offer them for sale, or to canvas or solicit for any purposes without authorization from the Station Commander.
- (t) Except while engaged in undercover operations, all employees shall identify themselves by name and/or badge number when on-duty. Officers will provide their

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employee identification badge and or other official picture identification that identifies you as an employee of the Duluth Police Department and will identify yourself by name and badge number on the phone when requested. All employees will be issued business cards with their name and badge number and will provide a business card to all persons contacted when dispatched to a call or in a self-initiated contact with a member the public. All officers will provide an ICR on the back of their business card if an ICR is attached to their contact.

- (u) Employees shall not incur a liability chargeable to the City or the Department except with the knowledge and consent of the proper authority.
- (v) Any other on-or-off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.
- (w) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire. Criminal, dishonest, or disgraceful conduct, whether on-or-off-duty, that adversely affects the member's relationship with this department.
- (x) Criminal, dishonest, or disgraceful conduct, whether on-or-off duty, that adversely affects the member's relationship with this department.
- (y) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

322.3.3 DISCRIMINATION, OPPRESSION, HARASSMENT OR FAVORITISM

(a) Discriminate against, oppress or provide favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition or intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

(b) Discourteous, disrespectful or discriminatory treatment toward any member of the public or any member of this Department.

(c) Intentionally subjecting another to sexual harassment.

(d) Racial profiling (Minn. Stat. 626.8471 Subd. 2).

(e) When employees, other than victims, become aware of conduct believed to be harassment or discrimination, whether or not the conduct is directed at them, shall report the incident to their supervisor.

322.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the uses of intoxicants.

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(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior notification of a supervisor.

(d) Unauthorized possession, use of, or attempting to bring a controlled substance or other illegal drug to any work site.

322.3.5 PERFORMANCE

(a) Employees shall remain awake during the time they are on duty. If unable to do so, they shall report this to their immediate supervisor, who shall determine the proper course of action.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or that would tend to discredit any member thereof.

(h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Department record, public record, book, paper document (Minn. Stat. 609.43 (4)).

(i) Wrongfully loaning, selling, allowing unauthorized use, giving away or appropriating any Department badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.

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(j) Carrying, while on the premises of the workplace, any firearm or other deadly weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.

(k) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(l) Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with this manual and each of the policies contained herein.

(m) Work-related dishonesty, failure to disclose, being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof, misrepresenting material facts, including upon or within any application, examination form or other official document, report form, or during the course of any investigation, including failure to participate in any Department-related investigation or business.

(n) Violating a law related to employment or any misdemeanor or felony statute; involvement in any criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty, including associating with, or joining a criminal gang, organized crime and/or criminal syndicate, security threat group or persons who engage in serious violations of state or federal laws when an employee knew or reasonably should have known of the criminal nature of the organization, except as specifically directed and authorized by the Department.

(o) Attempted or actual theft of Department property, misappropriation or misuse of public funds, property, personnel or services or the property of others or the unauthorized removal or possession of Department property or the property of another person.

(p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.

(q) Offer or acceptance of bribe or gratuity.

(r) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(s) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on Department premises;
2. At any work site;
3. While on-duty or while in uniform; or

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4. While using any department equipment or system.

Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(t) Employees who are served with an order for protection (OFP) or order for harassment (OFH) shall report this fact to the Watch Commander or Professional Standards Lieutenant within 24 hours of service.

(u) Employees shall not permit the use of their photographs for advertising purposes, or by testimonial recommendations or other means, participate in any advertising scheme or enterprise related to or based upon their employment with the department without prior approval of the Chief of Police.

322.3.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating Department safety standards or safe working practices.

322.3.7 SECURITY

Unauthorized, intentional release of designated confidential, private, non-public or protected non-public data.

322.3.8 SUPERVISOR RESPONSIBILITIES

If an employee's conduct is a cause of action for discipline, the supervisor shall inform the employee promptly and specifically of the improper conduct. Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.

(b) Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

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(c) The unequal or disparate exercise of authority on the part of a supervisor towards any employee for malicious or other improper purpose.

322.3.9 USE OF INFLUENCE

Officers are prohibited from using their influence to effect the investigation, charging, or prosecution of an individual unless they are assigned to, or involved in the case. This prohibits discussing a case in which they are not involved, with other officers or prosecutors in an effort to affect the outcome of the investigation and/or prosecution. This does not prevent officers from engaging in the free expression of speech in their capacity as private citizens.

CALEA 12.1.3, 22.1.8, 26.1.1, 26.1.3

Information Technology Use

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Duluth Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

323.2 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

323.3 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

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Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

Users of Law Enforcement Computerized Systems

The only personnel authorized to access and utilize law enforcement data systems are those specifically trained in its proper operation, have the appropriate security training and who have a need to use these systems as part of their job responsibilities.

323.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

323.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

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Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

323.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

323.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

323.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned computers that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

323.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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323.6 POLICY

It is the policy of the Duluth Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

323.7 DISPOSAL OF DIGITAL MEDIA

All digital media that stored law enforcement data must be destroyed at time of disposal. All DVDs can be cut prior to disposal. All other media (thumb drives, hard drives, media cards) must be brought to IT for disposal.

CALEA 11.4.4, 41.3.7, 82.1.6

Preliminary Investigation/Required Reports

324.1 PURPOSE AND SCOPE

Preliminary investigations vary widely from case to case. The scope of preliminary investigation may be limited by investigative policy or by an officer's workload. Officers should continue a preliminary investigation if there is a viable lead, but shall not delay the investigation to the point where it will jeopardize the investigation.

Timely and thorough preliminary investigations are essential to tracking crime patterns and trends; influencing the development of policing plans and the deployment of police resources necessary for effective and efficient problem solving and crime prevention.

The Department relies on real time records to guide intelligence-led policing efforts; focusing on developing actionable criminal intelligence, analysis of crime trend data, timely communication to stakeholders and effective operational responses to problem solve and reduce crime.

324.1.1 POLICY

Preliminary investigations are the responsibility of patrol officers. The Department prefers that officers speak to victims and witnesses in person. Non-verbal information can be an important factor in many investigations, but is lost when interviews are conducted over the phone. The gathering of physical evidence and observations by the investigating officer may also be compromised. A phone response to calls for service is acceptable if the incident is of a minor nature and the phone response does not compromise the quality of the response, including the quality of information gathered and evidence collection. Crimes of violence and crimes against persons shall not be investigated over the phone.

Officers conducting all criminal investigations will, whenever possible, record oral victim and witness statements in lieu of written statements. Statement evidence obtained during an initial investigation can be very powerful evidence in determining the course of an investigation; ultimately impacting charging decisions and convictions.

It is not necessary to advise a victim or witness that their statement is being recorded. Officers should use discretion when determining the best method of recording depending on the circumstances of the event. For example with cases of domestic or sexual violence, a discrete and low profile approach to recording would be appropriate in an effort not to add to the distress the victim may already be experiencing.

324.2 PRELIMINARY INVESTIGATIONS

The preliminary investigation consists of:

- Locating, identifying, and interviewing victim/complainant and witnesses; including full name, date of birth, address, place of employment, work and home phone
- Neighborhood canvas if appropriate
- Statements of all involved persons and witnesses

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- Observations of conditions at the scene
- Events observed
- Interviewing the suspect if appropriate
- Maintaining the crime scene and protecting evidence
- Collecting evidence if an evidence technician does not respond
- Effecting the arrest of the suspect, if appropriate
- Documenting the incident fully and accurately
- Notifying any other jurisdiction that may be effected by the incident

324.2.1 CONTINUED INVESTIGATIONS BY PATROL

Patrol officers shall conduct continued investigations when:

- There is a reasonable chance of apprehending the suspect
- It is necessary to prevent further criminal conduct; and/or
- Information or evidence will deteriorate if the investigation is delayed

Officers are expected to continue investigations in the above circumstances. Officers are encouraged to continue investigations which do not fall into the above categories, as time and duties permit. Entries in the "activities" tab must be made on continued investigative activities to eliminate a duplication of effort.

Supervisory approval should be obtained when officers need additional time or must leave their district for further investigation.

324.2.2 AT MAJOR CRIME SCENES

The nature of some crimes requires specialized and in-depth investigation. The following incidents may require on-scene investigative assistance:

- Arson
- Armed robbery
- Death scenes
- Felony assault
- Kidnapping
- Sexual assault
- Serial crimes
- Major or multiple burglaries
- Major traffic crashes/CVO
- Domestic

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Investigating officers will notify their shift sergeant in the above listed instances and of any felony cases they respond to. The shift sergeant will determine the need for assistance. In some circumstances officers can directly contact an appropriate investigator for consultation.

If a major crime occurs during the hours when investigative staff are not scheduled, the shift Lieutenant is responsible for deciding if investigative resources are needed. If the determination is made that investigative staff are needed, the shift lieutenant will contact the Major Crimes Lieutenant or the Special Investigative Unit Lieutenant or both for support, depending on what the needs are

324.2.3 SOLVABILITY FACTORS-ASSESSMENT

After an officer has completed an initial investigation, the case will be assessed as to the likelihood of the crime being solved through continued investigation. This assessment is done by the initial investigating officer through the use of the Solvability Factor Matrix.

Solvability Factors are defined as: "Elements of information about a crime which have proven in the past to be important in the successful conclusion of a case. Case screening is designed to provide sufficient information about a case at the earliest possible time in the investigative process in order to permit a decision to be made regarding the value of continuing an investigation. These solvability factors are weighted in order to help officers decide how to move cases through the department, based on the determination that some information obtained in a case is more valuable toward a successful conclusion than other information."

Solvability factors include, but are not limited to the following:

- (a) Reliable witness (3); Individual with factual information regarding crime elements
- (b) Suspect names (5); Actual identity has been determined
- (c) Suspect described (2); Description is adequate to separate suspect from others
- (d) Suspect Location (2); Residence, locations frequented or other known location
- (e) Suspect identified (2); Identity can be determined by photo images or line-up
- (f) Suspect previously seen (1); Victim/witness has seen suspect before
- (g) Suspect vehicle described (2); License #, make, model, color, or distinctive identifiers
- (h) Traceable property (1); Serial #, owner applied marks, damage, or unique description
- (i) Significant modus operandi (1); Distinct pattern or method linking suspect to multiple crimes
- (j) Usable physical evidence (2); Significant physical evidence collected
- (k) Limited opportunity for anyone other than suspect to commit the crime (1); Evidence eliminates other potential suspects

The numbers in parenthesis represent the point value assigned to that category; a total of 5 points is needed for a case to remain in an "open" status.

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324.2.4 DISPOSITION

Officers will advise the complainant of the anticipated disposition of the case ("open" or "suspended") and of the complainant's role in the investigation. A complainant will be advised that their case may be suspended if the solvability assessment totals less than five. A complainant will be advised that the case may remain open for further investigation if the total is five or above.

Officers should provide the complainant with a completed INFORMATION CARD. The INFORMATION CARD contains the officer's name and badge number, and information about applicable services available to them. Additional information, such as the case number, phone numbers to call to provide additional information or to check the case status will also be provided. Information is verbally provided to explain what to do if the victims or witnesses are threatened by the perpetrators, and what steps may be taken. It is important for the officer to communicate to a complainant that case status can change if additional information comes to light.

324.3 REPORTS

Officers are required to complete all narrative reports and property reports on incidents they are assigned prior to the end of shift. Prior supervisory authorization must be obtained if completion of a report is delayed. Officers are also required to make appropriate CAL entries regardless of the case status. This is done to insure that any potential crime patterns or trends are not overlooked. CAL entries should provide details as to type of crime, time of day, place of occurrence and information relating to the solvability factors used.

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information any time after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts that are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

324.3.1 FOLLOW UP INVESTIGATION

Officers are encouraged to do follow-up investigations. The Officer, who will be doing follow-up on a case, must do an entry in the "activities" tab indicating that they will be doing follow-up. In addition to an entry in the "activities" tab, a HEADER and SYNOPSIS report is required. Any follow-up documentation is done in the form of a SUPPLEMENTAL REPORT.

When Investigations is referred a case the following are steps to take at a minimum:

- reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations
- conducting additional interviews and interrogations
- seeking additional information

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- planning, organizing, conducting searches, and collecting physical evidence
- identifying and apprehending suspects
- determining involvement of suspects in other crimes
- checking suspects' criminal histories
- preparing cases for court presentation.
- re-contacting the [victim](#)/witness within a reasonable period of time to determine whether further assistance is required, if in the opinion of the agency, the impact of a crime on a [victim](#)/witness has been unusually severe and has triggered above-average need for [victim](#)/witness assistance
- explaining to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures, if not an endangerment to the successful prosecution of the case
- scheduling line-ups, interviews, and other required appearances at the convenience of the [victim](#)/witness and, at the option of the agency providing transportation
- returning promptly [victim](#)/witness property taken as evidence where permitted by law or rules of evidence
- assigning a [victim](#) advocate, if available, to the [victim](#)/witness during [follow-up investigation](#)
- ensure copies of [incident](#) and supplemental reports are forwarded to local prosecutor's office, if required.

324.3.2 ARREST REPORTS

In addition to arrest reports, all in-custody arrests (adult and juvenile) require the completion of an APPLICATION FOR JUDICIAL DETERMINATION FOR PROBABLE CAUSE TO DETAIN (48 hour hold) Arrests for warrants with no additional charges only require appropriate CAD notes.

Arrest reports must be completed for:

- Felony arrests
- Gross misdemeanor arrests
- Non-traffic misdemeanor arrests
- Some misdemeanor traffic arrests

324.3.3 OTHER REPORTS

All other reports such as crash reports or other hand-written or electronic reports must be completed prior to the end of the Officer's four-day rotation or as otherwise directed. Prior supervisory authorization must be obtained if completion of a report is delayed.

324.3.4 INCIDENT REPORTS

INCIDENT REPORTS must be completed for:

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- State Mandated Reports

Minn. Stat. § 626.5531 mandates that police officers must report all crimes motivated by bias (race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation). If the officer or the victim believes the crime was motivated by bias, the State of Minnesota "Bias Offense Report" must be completed. The form is located on the I-drive. The completed form is sent to the Records Services Unit (RSU). The reporting officer should note in the narrative report that the form was completed. The RSU personnel routing reports will make an entry in the "activities" tab (MNRPT) noting the form was completed and sent to the State.

324.3.5 WARRANT ARREST PROCEDURES

Officers will create an arrest report in mobile.

324.4 REPORT DICTATION AND ROUTING

Reports are to be dictated in the following order:

- Header
- Name type
- Synopsis
- Narrative

Name type: spell-out the name and give DOB the first time the name is mentioned in the name type format.

- Last, first, middle; pronounced then spelled

Synopsis and Narrative: spell out the name and give the DOB the first time the name is mentioned.

- First, middle, last: pronounced then spelled

Dictation: dictate and download the report in the digital dictation system. Paperwork is placed in the appropriate bin, organized as follows, from the top of the packet down:

- Citation
- St. Louis County Jail Request for Commitment
- Remainder of paperwork in no particular order

324.5 UNIT LEADERS

Unit leaders are responsible for reviewing and tracking the investigations and reports completed by officers assigned to their unit. Public confidence and perception is partially formed by the thoroughness of reports which are reviewed by members of the criminal justice community and the public. The supervisory review of reports and citations (except parking citations) is critical to maintaining complete and accurate records.

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324.5.1 WRITTEN REPORTS AND CITATIONS

When a report or citation is handwritten by an officer, the officer must turn the report into a Shift Report bin for supervisory review. The Shift Sergeant must review the report for:

- Full name and date of birth of all mentioned persons
- Complete address including zip code
- Complete phone numbers (home, work, cellular) including area code
- Detailed narrative and statement of probable cause (if required)
- Completeness (all blanks completed)

Incomplete or inaccurate reports are returned to the officer by the Shift Sergeant for corrections. Acceptable reports are initialed by the approving Shift Sergeant and forwarded to the appropriate unit, Records Support Unit, or to the Court.

324.5.2 DICTATED REPORTS

Officers will create the shell of a case or supplemental report. Records staff will transcribe the report and email the officer once the report is ready for review in mobile. Once reviewed, officers will submit the report to the supervisor for approval.

Supervisors should review reports for:

- Full name and date of birth on all persons mentioned
- Complete addresses, including zip codes
- Complete phone numbers (home, work, cellular) including area code
- Detailed synopsis including call type, noteworthy names, final disposition (jail, detox, tag, rpt, etc.) charges, Miranda read and suspect response
- Chronological narrative describing the investigation in detail, the arrest and/or facts constituting probable cause, and a foundation for further investigation
- Supervisors should diligently complete timely review of officer draft reports so final approval will be without delay and should not extend past a four-day rotation.

**CALEA 42.1.1, 42.1.2, 42.1.3, 42.1.4, 42.2.1, 42.2.2, 42.2.3,
55.1.1, 55.2.3,**

83.1.1, 83.2.1, 83.2.2, 83.2.6

Media Relations

325.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

The Duluth Police Department has an obligation and is committed to inform the public of events that affect the lives of those who live, work or play within the City of Duluth. The public information function should be utilized to inform the community about agency activities, neighborhood safety concerns, organizational programs, and other functions. This must be accomplished with transparency and candor to maintain the public's trust and confidence.

To convey information to the public, the Duluth Police Department relies on news media outlets, the department's social media channels, and other avenues. Proactive and reactive methods should be considered to provide information to the community. Multiple avenues may be utilized to help enhance communication, collaboration, and information exchange with the community, which in turn increases transparency, trust, accountability, and relationships with the public. Information that is released should be timely, relevant, and neutral, within MN State Statutes, and respect areas where the law requires confidentiality. The DPD Public Information Officer, along with various DPD Command Staff, determine what information should be released, when it should be, and to whom.

325.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Deputy Chiefs, Command Staff, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

- (a) The agency involves local media outlets in the development and changes in policies and/or procedures relating to the public information function. Allowing media representatives to participate and provide input allows a more robust and effective working relationship between the agency and media personnel. This relationship helps promote public awareness so the community understands, accepts and supports the goals and programs of the department.
- (b) Personnel assigned as a Public Information Officer, or designated to perform that function, shall receive appropriate training for the position. Training may include departmental training from experienced Public Information Officers and/or training classes offered by outside agencies/organizations. Trainings provide a solid foundation in order for the PIO to represent the department in an effective way and establish cooperative relationships. The PIO or appropriate Command Staff who speak to the media should do so in an informed, accurate, calm, and honest demeanor.

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325.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to appropriate Command Level Staff. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor, Public Information Officer, Command Level Staff or Chief of Police.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

325.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
 - 2. Guidelines for media access to scenes should be communicated to the media to ensure their cooperation during active incidents. This allows the media outlets to be a safe distance away and permits the public information officer to coordinate a spot to facilitate the distribution of accurate and appropriate information during events.
- (c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical

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operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer. Comments to the media will be made through distribution of media releases after receiving authorization and coordination with proper staff. Media releases will be prepared and released by the DPD PIO or by appropriate DPD Command Staff. Comments to the media may also be provided through press conferences where the DPD PIO will arrange, attend, and assist.

325.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

325.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

325.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will provide information on significant law enforcement activities upon request to media representatives through the Public Information Officer. This log will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82 Subds. 2, 3 and 6):

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law (Minn. Stat. § 260B.171 Subd. 5.)

At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or would be a violation of Minn. Stat. § 617.246 Subd. 2 (Minn. Stat. § 13.82 Subd. 17 (b)).

At no time shall identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this department has determined that the identity of a juvenile witness reasonably requires protection (Minn. Stat. § 13.82 Subd. 17 (g)).

Information concerning incidents involving persons whose identities are classified as private data under Minn. Stat. § 13.82 Subd. 17, shall be restricted from disclosure in accordance with that statute. Further detail is available in the Records Release and Security Policy.

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified and the release is approved by a supervisor.

Any media requests for copies of related reports or additional information shall be referred to the Public Information Officer, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Minnesota Data Practices Act (Minn. Stat. § 13.03).

325.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release Policy and the Personnel Records Policy). When in doubt, authorized and available legal counsel should be obtained.

325.4.2 DULUTH POLICE DATA REQUEST REQUIREMENTS

All data requests not mentioned in this policy need to be made in written form and delivered to PIO/Command Staff/Custodian of Records.

CALEA 54.1.1, 54.1.2, 54.1.3, 54.1.4

Court Preparation

326.1 PURPOSE AND SCOPE

An officer's court testimony and the impression made on the jury have a serious impact on the outcome of a trial. This policy outlines responsibilities for officers appearing in court as witnesses.

326.2 NOTIFICATION/RESCHEDULING COURT APPEARANCES

Officers are notified in writing and/or by their unit leaders of court appearances. It is the officer's responsibility to appear in court after being notified. The Department realizes that court schedules and an officer's schedule are often incompatible and rescheduling may be desirable. Officers with a court date which constitutes a hardship should notify their unit leader who will attempt to adjust the officer's work schedule.

326.3 PREPARATION

Officers are expected to review their reports and other pertinent reports prior to their court appearance. Officers are encouraged to review Body Cam and Fleet video. Officers are encouraged to meet with the prosecutor prior to the court date. Officers are required to meet with the prosecutor if asked, they must read their reports prior to the conference, and must take copies of their reports with them to the meeting. Officers are expected to fully cooperate with the prosecutor to facilitate the prosecutor's preparation of the case.

326.4 EVIDENCE

It is the prosecutor's responsibility to determine if any physical evidence obtained during the investigation is necessary at trial. The prosecutor notifies the appropriate officer of what evidence will be needed in court.

All evidence needed for any court proceedings, the checking out, transportation, and returning, will be the responsibility of the officer requested to testify. If the court proceeding is resulting from the work of an investigator, the investigator will be responsible for the evidence. If an investigator is not involved with the court proceeding it will be upon the officer who made the arrest or issued the citation to provide the evidence required for the proceeding. This process will require a discussion with the prosecutor prior to court, such as during the pretrial meeting, detailing what will be needed. During the pretrial discussion with the prosecutor, if you as the arresting or assigned officer/investigator are eliminated from testifying, remind the prosecutor to assign this task to someone who is being called to testify.

326.5 PERSONAL APPEARANCE

The impression an officer's appearance makes on people cannot be underestimated. The Department expects officers to have a neat, professional appearance in court. Uniformed officers wear the uniform of the day to court unless requested by the prosecutor to wear plain clothes. For safety reasons officers are encouraged to take all of the equipment they normally carry on their person when on-duty. Officers are encouraged to wear long sleeve shirts and ties to court,

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particularly to jury trials. Lieutenants and above may establish higher standards for particular officers on specific court cases, on a case-by-case basis.

Plain clothes worn to court must conform to Department policy regulating dress by plain clothes officers. Plain clothes officers are expected to wear coats and ties to court appearances regardless of the season.

326.6 TESTIMONY

Officers must answer all questions in a truthful, professional and courteous manner. Officers must take care to avoid giving opinion as testimony, providing concise, factbased answers.

326.7 CONTACT WITH DEFENSE ATTORNEY

Officers may be contacted by defense attorneys for information. An officer must notify the prosecutor prior to meeting with the defense attorney to determine if they wish to be present at the meeting. Officers should review reports on the matter.

Officers must be aware that contact with defense attorneys is never informal. They should conduct themselves accordingly.

Mutual Aid and Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible, in accordance with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance. The Department may, at the discretion of the Chief of Police, establish an agreement with another agency to (Minn. Stat. § 626.76 Subd. 1):

- (a) Assist other peace officers in the line of their duty and within the course of their employment.
- (b) Exchange Department peace officers with peace officers of another agency on a temporary basis.

327.1.1 RESPONSIBILITIES

Officers shall obtain permission from their unit leader prior to requesting, or responding to a request for, mutual aid unless an extreme circumstance exists. Officers must advise their unit leader that they are responding to, or have requested, mutual aid.

Situations not requiring immediate assistance require the Watch Commander, or above, to initiate or approve requests for mutual aid.

327.2 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to the Watch Commander for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76 Subd. 1 exists.

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities. When such assistance is rendered, a case number will be issued to report action taken by Duluth Police Department personnel.

327.2.1 DUTIES

Officers acting under a mutual aid agreement are to report to the senior law enforcement official of the agency requesting assistance. The senior official of the requesting agency will determine how officers are assigned. Officers may be assigned to any function, including:

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- Making arrests
- Security
- Mass processing of arrestees
- Transporting prisoners
- Operating temporary detention facilities

The Joint Powers Act, Minnesota Statute 471.59, Subd. 12, states that under the mutual aid agreements police officers assisting another agency have the same power of arrest and police authority that they have in their own jurisdiction. M.S. 629.40, Subd3 gives Minnesota officers jurisdiction throughout the state when they are on-duty.

327.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions, except in those situations where the employee or another is in imminent danger and there is an immediate need for assistance. The involved officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

327.3.1 FRESH PURSUIT

Officers in fresh pursuit of a person may arrest and hold the person in custody, even though outside their jurisdiction, including the state of Wisconsin. In this event the arrest is not a citizen's arrest.

Duluth officers making an arrest in Wisconsin must turn them over to an officer having jurisdiction where the arrest occurred. They may not transport the prisoner back to Minnesota; the prisoner will have to be extradited. Minnesota Statute 626.65 and Wisconsin Statute 976.04 allow officers reciprocal powers when in fresh pursuit.

Officers making an arrest anywhere in Minnesota may transport the prisoner to the St. Louis County Jail.

327.4 CONCURRENT JURISDICTION

Port of Duluth/Foreign Vessels

The Duluth Police Department has the same authority on waters within the Duluth city limits as it has on land within the city limits. Vessels at the Port Terminal, whether flying foreign flags or not, are within the city limits and Duluth police officers have jurisdiction.

Gaining access to vessels within the city limits is the same as gaining access to any private property. Permission to board must be obtained from the person having control of the vessel unless exigent circumstances exist, or a search warrant is obtained.

a. Customs and Border Protection

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Customs and Border Protection can board any ship in the port, at any time. The Border Patrol, which is part of Customs and Border Protection, may board any ship in the port that has arrived from another U.S. port. They are available on a 24 hour basis to assist the Department.

b. U. S. Coast Guard

The U.S. Coast Guard has jurisdiction in the harbor, Lake Superior, and the St. Louis River. The Coast Guard can board any vessel, foreign or domestic, at any place. The boarding is under the auspices of a safety inspection. As with any law enforcement endeavor information gained while on-board may allow them to develop probable cause to investigate further. The Coast Guard can prevent a ship from entering or leaving the port, and can require a vessel to depart. Law enforcement petty officers and ranks above, have the power of arrest for federal crimes. The Coast Guard does not have a detention facility and relies on local agencies to assist them. The Coast Guard is available to assist the Department on a 24-hour basis. Officers are expected to assist the Coast Guard whenever requested.

Federal Building

The Duluth Federal Building is under exclusive Federal jurisdiction. Enforcement of laws in the Federal Building and on adjacent property is the responsibility of the Federal Protection and Safety Division. We may serve civil and criminal processes there; enter and arrest when in hot pursuit. We may not make misdemeanor arrests within areas of exclusive Federal jurisdiction, other than citizen's arrest, or exercise other police powers. The Federal Protection and Safety Division have a written agreement with the Police Department which is similar to a mutual aid agreement, in that we respond to the Federal Building and have full police powers when requested.

Interstate Highways

The Minnesota State Patrol has primary, but not exclusive, jurisdiction over interstate highways in the city of Duluth. The Police Department and the Minnesota State Patrol have agreed that the Police Department has primary jurisdiction of "on" ramps to the point where they converge with an interstate traffic lane. The Minnesota State Patrol has primary jurisdiction for "off" ramps to the point where they converge with a city street. This agreement is for convenience and clarification and in no way restricts the powers of the officers of the Duluth Police Department or the Minnesota State Patrol. If an accident on the interstate is discovered by a Duluth Police officer, the squad is required to stop and render aid. The State Patrol is to be notified and they will determine if one of their squads will respond. If the State Patrol cannot respond, the Duluth Police Department will conduct an accident investigation.

Duluth International Airport

The Duluth International Airport is located in the city limits and officers have jurisdiction there. The Duluth Airport Authority employs full-time security officers. They have no police authority except on airport property.

Minnesota Air National Guard

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The Minnesota Air National Guard base is within city limits and officers respond when requested. The Air Guard employs security guards who do not have arrest powers greater than those of a citizen. The guards have the right to detain and hold a person but may call the Police Department for assistance. It should be treated as a citizen's arrest. Officers are expected to assist whenever requested.

University of Minnesota-Duluth

The Duluth Police Department and the University of Minnesota-Duluth Police Department have concurrent jurisdiction on the campus. The UMD Police Department has primary jurisdiction on campus and on University-owned property. Minnesota Statute 629.40, Subdivision 3, gives UMD police officers jurisdiction throughout the state, when on duty.

Fond du Luth Gambling Casino

The Fond du Lac Band acknowledges that criminal prohibitory laws and jurisdiction of the State of Minnesota are applicable at the Fond du Luth Gambling Casino. According to the agreement with the Band, officers "have unfettered right to enter" for the purpose of enforcing "laws, rules, and regulations."

St. Louis County Property

St. Louis County has primary jurisdiction for crimes that occur on County property within the city limits, including:

- the St. Louis County Jail
- the St. Louis County Court House
- county Highway Department garages

Minnesota Bureau of Criminal Apprehension

The Department maintains a good working relationship with the Bureau of Criminal Apprehension (BCA). They process evidence which is submitted for analysis. The BCA may conduct investigations within the City and officers are expected to cooperate with them.

327.5 FEDERAL AGENCIES

Non-emergency Situations

There are no formal criteria to be met prior to requesting assistance from a Federal agency. When requesting assistance there should be an indication that there has been a violation of a Federal law. Investigators are encouraged to maintain cooperative relationships with Federal law enforcement officers.

Any non-emergency request from a Federal agency for assistance must be approved by the Watch Commander, a Deputy Chief, or the Chief. If the request is for assistance outside the City of Duluth, it must be approved by the Chief or their designee.

Emergency Situations

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When an emergency exists, indicating Federal Agency assistance may be required; the Watch Commander may request assistance from the appropriate Federal agency. See the Procedural Standard of Practice Guideline for this policy for a list of Federal agencies that may be required for emergency assistance.

Federal law enforcement agencies have jurisdiction in the City of Duluth. Duluth police officers are directed to provide immediate assistance to these agencies, upon request, in situations involving officer safety.

327.6 NATIONAL GUARD

Only the governor has the authority to activate the Minnesota National Guard and the request must come from the County Sheriff. Only the Watch Commander, or above, may initiate the request, through the County Sheriff.

National Guard assistance will complement, not replace the Police Department's responsibility in handling an emergency. National Guard personnel remain under military command at all times.

327.7 CORRECTIONAL INSTITUTIONS

The Department will assist correctional institutions experiencing disorder due to the potential of extraordinary violence. This policy includes correctional institutions outside the corporate limits of the City of Duluth.

Our response to correctional institutions outside of the City is predicated upon mutual aid agreements with the law enforcement agency having primary jurisdiction for the facility. Consequently, our response will follow mutual aid agreement guidelines. This requires that Duluth officers responding be under the direction and control of the on-duty senior law enforcement official of the requesting agency.

When the Department's response entails more than a limited number of officers for a brief period of time, the Chief, or their designee, must be contacted by the Watch Commander.

a. Federal Prison Camp

The Federal Prison Camp is located in Hermantown. Mutual aid agreements with federal agencies or institutions are prohibited. The St. Louis County Sheriff's Office and the Hermantown Police Department have jurisdiction when requested by the prison to respond. Duluth officers are directed to respond to the prison when requested by the Sheriff's Office or the Hermantown Police Department. Mutual aid agreements with those departments grant responding officers full police authority and jurisdiction when acting upon the request.

b. St. Louis County Jail

Officers are to respond immediately to the St. Louis County Jail upon their request, under the scope of our mutual aid agreement.

As a courtesy our Department may assist in the investigation of crimes or deaths which occur at the Jail, at the discretion of the Department's administrative staff.

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c. Arrowhead Juvenile Center

The Arrowhead Juvenile Center is located in the City of Duluth. The Department has primary jurisdiction at the Juvenile Center. We will investigate crimes and respond to disturbances on the property. Since Juvenile Center employees have no police powers, they will not direct Duluth officers in the performance of their duties.

d. Northeast Regional Correctional Center (NERCC)

NERCC is located outside the City of Duluth. The St. Louis County Sheriff's Office has primary jurisdiction. This Department may respond to disturbances at NERCC on the request of the Sheriff's Office, in accordance with our mutual aid agreement.

327.8 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID

The Minnesota Department of Health All-Hazards Response and Recovery Base Plan identifies on-scene command and control responsibilities when an incident occurs (<http://www.health.state.mn.us/oep/plans/allhazardsbase.pdf>). The Incident Commander is charged with making an immediate appraisal of the situation and its potential in compliance with mutual aid response guidelines. The All-Hazards Response and Recovery Base Plan base elements recommends that responders should:

- Establish scene management
- Detect the presence of hazardous materials
- Begin identification of hazardous materials
- Begin evacuation or direct in-place sheltering
- Consider personal protection/decontamination
- Isolate incident and identify zones of activity
- Contain the incident without risking exposure
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Plan Manual
- Seek additional appropriate resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Department should clarify if it is requesting assistance only or complete scene management.

Officers should contact the Minnesota Pollution Control Agency's (MPCA) Emergency Response Team (ERT) Duty Officer to request assistance at hazardous material emergencies (800-422-0798 or 651-649-5451).

327.9 UNUSUAL OCCURRENCES OUTSIDE DULUTH

An unusual occurrence outside the City of Duluth requiring an extensive law enforcement response may necessitate the Department providing officers for an extended period of time.

a. Short-term Assistance

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Upon receiving a request for assistance from an agency with which we have a mutual aid agreement, the Watch Commander may authorize the response of on-duty patrol personnel. The Watch Commander must approve the request prior to officers responding.

If the request is for more officers than the Watch Commander can provide the Watch Commander should notify a Deputy Chief or the Chief to determine the appropriate response.

b. Long-term Assistance

The Chief, or their designee, must approve of any long-term use of Duluth Police Department personnel by another agency.

CALEA 2.1.2, 2.1.3, 2.1.4

Registered Predatory Offender

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Duluth Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

328.2 POLICY

It is the policy of the Duluth Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

328.3 REGISTRATION

The Major Crimes Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

328.3.1 REGISTRATION PROCESS

When an offender arrives to register with this department, the assigned investigator should:

- (a) Determine in what state the offense was committed.
- (b) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA's Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.
- (c) If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.
- (d) If the offender is already registered, complete a Change of Information Form (available on the BCA's secure website).
- (e) If the offender is not registered, complete a POR Form (available at BCA's secure website).

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- (f) If the offender is from another state, contact the state (information for each state is listed on the BCA's website) and request a copy of the offender's original registration form, criminal complaint, and sentencing documents.
 - 1. Documents obtained should be submitted to the BCA with a registration form.
 - 2. The BCA will determine if registration is required and inform the department and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

328.3.2 GUIDELINES AND FORMS

The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

328.3.3 NOTIFICATION TO REGISTRANTS

The registration process established by the Major Crimes Unit supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

328.4 MONITORING OF REGISTERED OFFENDERS

The Major Crimes Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.
- (c) Contact with a registrant's parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

328.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not make a public notification advising the community of a particular registrant's presence in the community without permission from the Chief of Police. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

The Records Supervisor shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

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Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) Other cautionary notices included in the Minnesota Department of Correction's (DOC) material for public recipients.

328.5.1 MANDATORY DISSEMINATION

The Department shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender's status of a Level 1, 2, or 3.

The Department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility, home care provider, or hospice provider of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving care shall be made by this department (Minn. Stat. § 244.052, Subd. 4c).

The Department shall provide an offender's change of status to the entities and individuals who were initially notified if the Department becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

328.5.2 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document "Confidential Fact Sheet - For Law Enforcement Agency Use Only" or other DOC guidance):

- (a) Mandatory disclosure:
 - 1. Victims who have requested disclosure
 - 2. Adult members of the offender's immediate household
- (b) Discretionary disclosure:
 - 1. Other witnesses or victims
 - 2. Other law enforcement agencies

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328.5.3 LEVEL 2 DISCLOSURE

Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (Minn. Stat. § 244.052, Subd. 4) (refer to DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2” or other DOC guidance):

- (a) In addition to Level 1 disclosure, the Department may disclose data to:
 - 1. Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
 - 2. Individuals likely to be victimized by the offender.
- (b) Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by the DOC or the Minnesota Department of Human Services (DHS).

328.5.4 LEVEL 3 DISCLOSURE

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota” or other DOC guidance):

- (a) The Department shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.
- (b) The Department shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
- (c) A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the DOC.
- (d) The process of notification is determined by this department. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the department's determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

328.5.5 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility, home care provider, or hospice provider in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the DOC documents, “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents” and “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents” or other DOC guidance):

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- (a) Name and physical description of the offender
- (b) Offender's conviction history, including the dates of conviction
- (c) Risk level assigned to the offender, if any
- (d) Profile of likely victims

328.5.6 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

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

328.5.7 VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Department shall provide victims who have requested notification with data that is relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this department when there is a victim who has requested notification (refer to the DOC document "Victim Data Confidential for Law Enforcement Agency Use Only").

It may be appropriate for members of the Department to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Department may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

328.5.8 HOMELESS NOTIFICATION PROCESS

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Major Crimes Unit supervisor (Minn. Stat. § 243.166, Subd. 3a).

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328.5.9 LIMITATIONS OF RELEASE OF DATA

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).

328.6 DISCLOSURE TO LOCAL WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

Major Incident Notification

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

329.2 POLICY

The Duluth Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

329.3 MINIMUM CRITERIA FOR NOTIFICATION

The nature of some incidents, due to being high profile, or exposing the city to liability, requires that on-scene patrol officers notify a patrol unit leader of the incident. Once notified, the unit leader must determine whether to assume command of the incident or delegate command to the officers already at the scene.

Incidents a patrol unit leader must be notified of, or acknowledge, are:

- Arson;
- Armed robbery;
- Violent death or death under unusual circumstances;
- Civil disturbances;
- Felony assault;
- Felony level Incidents involving weapons;
- Injury accidents involving on-duty police vehicles;
- Kidnapping;
- Officer use of deadly force;
- On-duty officer injury;
- Vehicle pursuit;
- Labor disputes;
- Sexual assault;
- Unusual occurrences;
- Subjects injured due to police action;
- Injuries on City property;
- Fatal traffic accidents;

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- Incidents involving significant property damage or loss;
- Threats to schools or staff;
- Significant incidents arising from extra-duty or non-duty employment; and
- Any significant off-duty behavior, incident, or injury involving a Department employee and investigated by the Duluth Police Department.

The above list of incident types is provided as a guide for notification and is not intended to be all inclusive.

329.4 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in the Communications Center.

329.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification, the Chief of Police, the Deputy Police Chiefs, and the Command Staff, shall be notified.

CALEA 11.3.3, 41.2.4

Death Investigation

330.1 PURPOSE AND SCOPE

The investigation of cases involving death includes those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

Death investigations shall be conducted pursuant to Minn. Stat. § 390.005 through 390.252 if the county has an elected or appointed Coroner (Minn. Stat. § 390.34).

330.1.1 INVESTIGATION PURPOSE

Investigation of deaths and surrounding circumstances is a duty delegated to the Duluth Police Department by the St. Louis County Medical Examiner (Midwest Medical Examiner's Office) and the St. Louis County Sheriff. Death investigations are necessary to ensure that the circumstances of a death are properly determined and established through supported facts and evidence.

330.1.2 DEFINITIONS

For Department purposes there are two basic categories of human death:

- Death from natural causes; or
- Death from other causes (suicides, accidents, homicides, or death under unusual or unknown circumstances)

Unattended deaths are defined as a death which occurs outside of a licensed nursing home or hospital.

330.2 INVESTIGATION CONSIDERATIONS

330.2.1 DEATH SCENES

All death scenes shall be treated as a crime scene until the death can be reasonably determined as Natural or Other than Natural.

Notify the On-Duty Supervisor you are responding to, or have responded to, a DHB. On-Duty Supervisors are encouraged to respond to all death scenes.

DO NOT contact the Medical Examiner's Investigator until after a scene is assessed by the responding officer. The scene may require additional law enforcement personnel to respond prior to notifying the Medical Examiner's Investigator.

The Medical Examiner's investigator will respond in all instances of deaths.

330.2.2 DEATH INVESTIGATION DOCUMENTATION

All incidents involving a death shall be documented on a Field Investigation Report (DHB form) and include a narrative report. The narrative report shall document the officer's observations, statements (witnesses, family, and reporting parties), and what was done or not done at the scene.

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Document next of kin information and that notification was completed. If notification was not made, document why.

The white copy of the completed Field Investigation Report (DHB form) is turned into the "rush" reports bin. The yellow copy remains with the medical examiner. The pink copy remains with the hospital (if applicable). The blue copy will remain with the funeral director, or person transporting the deceased.

All scenes must be thoroughly photographed. Photographs shall include multiple pictures of the victim from multiple angles (obtain a photo of the body after it is turned by the M.E. Investigator) and the surrounding environment. Photographs should be progressive, documenting the layout of the location and scene starting from the body to the outside of the scene or the outside to the body.

If medical intervention may take place, officers should make every effort to take initial photographs of the victim and immediate area surrounding the victim.

If medical intervention occurred, describe what was done by EMS or fire personnel.

All officers on scene must complete a narrative report detailing their actions.

330.2.3 NATURAL DEATHS

- a. Photograph the scene and body.
- b. Complete a Field Investigation Report (DHB form).
- c. Identify and contact the "Next of Kin".
- d. Complete a narrative report.
- e. Complete a referral to the Violent Crimes Unit.

330.2.4 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, should ensure that the nearest office of the Minnesota Department of Labor and Industry is notified with all pertinent information.

330.2.5 DEATH FROM OTHER CAUSES

If the death is a suicide, accident, homicide or occurred under unusual or unknown circumstances, the following procedures will apply:

a. Crime Scene Protection

Officers must ascertain that the person is deceased. If it is readily apparent, entry need not be made into the scene. The scene needs to be protected. Crime Scene Investigations (CSI) is responsible for processing the scene for evidence and will determine appropriate entry into the scene. CSI, VCU, and the Medical Examiner's investigator will coordinate their efforts to process the scene and preserve the evidence. The Medical Examiner's office will not move the body, independent of the police.

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Officers are cautioned that there is no crime scene exception to the requirements for a search and seizure. If the death is indoors, investigators will determine if a search warrant is necessary to search for evidence.

Officers may clear the area for suspects, or persons that may pose a danger to them, but may not search for evidence.

b. Notify Unit Leader

Deaths from other than natural causes require that the assigned officer notify their unit leader. The patrol unit leader will determine what other Department resources are necessary for the investigation and notify them to respond. Under most circumstances the patrol unit leader will respond to the scene and assume responsibility.

c. Notification of the Medical Examiner's Investigator

The Medical Examiner's Office provides a monthly call schedule of investigators and medical examiners to the Department and to the Communication Center. DO NOT page or contact the on-call Medical Examiner Investigator until directed to do so. After CSI and VCU have been consulted notification will be done by investigators or an officer may be requested to do so. If additional investigators are not responding, the Medical Examiner's Investigator may be paged by the officer. Do not contact the Medical Examiner directly; only contact the Medical Examiner's Investigator.

d. Suicide Notes

All suicide notes should be treated as evidence in a manner that will support further testing if applicable. If the note was handled by someone, document who and where they touched it. The content must be photographed by the officer for documentation and the M.E. Investigator may take a photograph of the content for their review.

330.3 DEATH WHILE IN REGISTERED OR NON-REGISTERED HOSPICE CARE

The following sections will clarify the terms Registered Hospice Care Death and Non-Registered Hospice Care Death, and will detail the required Patrol response in each case. In the event that an Officer cannot determine whether the deceased person is Registered or Non-Registered, the on-call Medical Examiner's Investigator will be contacted.

330.3.1 REGISTERED HOSPICE CARE DEATHS

When an individual is at the end of a terminal illness or condition, and death is both expected and imminent, they may be placed in a Registered Hospice Care setting. In this setting, the patient's physician is required to register the patient's pending death with the St. Louis County Medical Examiner's Office. Once the patient is registered with the Medical Examiner's Office, a Registered Hospice Nurse is assigned to monitor the patient until they die.

At the time of death, the Registered Hospice Nurse will make an assessment of the death. If the Hospice Nurse determines that the death was due to the terminal illness or condition, a Patrol squad does not need to respond to the scene, and a DHB Report does not have to be done. In

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the rare case where the Hospice Nurse determines that the death appears suspicious, they are required to call 911 and a patrol squad response and DHB Report is necessary.

330.3.2 NON-REGISTERED HOSPICE CARE DEATHS

Some individuals with a terminal illness or condition may choose not to be part of a Registered Hospice Care program. They may live out their remaining days in a home setting. These patients will not be registered with the St. Louis County Medical Examiner's Office as a pending death. patrol squad response, Medical Examiner notification and a DHB Report are required in these cases.

330.4 OTHER CONSIDERATIONS

330.4.1 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a "John Doe" or "Jane Doe" number for the report.

330.4.2 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body, including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body, shall be forwarded to the Medical Examiner for entry into the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) file (Minn. Stat. § 390.25 Subd. 2 (a)).

330.5 LAW ENFORCEMENT AUTHORITY

Minnesota Statutes 390.32, Subd. 7, grants law enforcement officers the authority to take charge of the body and the death scene to prevent interference by any person. This power should be used with discretion and sensitivity to the circumstances.

In some situations next of kin are not readily identified. The Medical Examiner's office may continue efforts to identify them. If successful they will notify the Department to notify the next of kin. Death notifications are the responsibility of the Department, not the Medical Examiner's office.

Death scenes can be an important learning environment for officers. Officers may not enter the scene except with approval, and direction from CSI. Officers not required at the scene must also be cognizant of family members present and not enter a scene if it may be upsetting to the family.

CALEA 55.2.6

Officer Involved Use of Deadly Force

331.1 PURPOSE

It is the purpose of this policy to establish investigative and administrative procedures that ensure the safety and well-being of officers while promoting public safety, public confidence and timely documentation in officer involved use of deadly force incidents.

331.2 POLICY

The Duluth Police Department and its employees understand that the performance of law enforcement duties is inherently demanding and that certain situations create a significant risk of physical and emotional harm to the officer. Therefore, it is important that the department develop standards and procedures for responding to officer involved use of deadly force incidents that ensure the safety and well-being of its employees and provide a means by which employees may seek assistance in dealing with the effects of critical and traumatic events. This policy shall be administered in a manner that is consistent with the department's desire to treat affected employees with dignity and respect under such circumstances and to provide information and assistance to them concerning their involvement in critical and traumatic events, their recovery, and their return to duty.

The department also recognizes that having established standards and procedures for responding to and documenting officer involved use of deadly force incidents is necessary to facilitate the prosecution of suspects, and to give the public a sense of safety and confidence in the department's response to officer involved use of deadly force incidents.

All impacted DPD members will receive awareness level training regarding officer involved use of deadly force incidents and all line level supervisors and above will receive training on management of officer involved use of deadly force incidents.

331.3 DEFINITIONS

Terms as used in this policy shall have the following definition:

GENERAL:

Critical Incident - An action which arises from any act or omission within the scope of employment in which: (a) serious injury or death occurs; or (b) the discharge of a weapon is involved.

INVESTIGATIVE:

Administrative Investigating Entity - The Duluth Police Administrative Lieutenant, unless otherwise designated by the Chief of Police or their designee. The Administrative Lieutenant is responsible for the administrative investigation of the Critical Incident which includes checking for adherence to policy, and identifying policy failures, tactical and training issues, and potential civil liability issues.

Criminal Investigating Entity - The Duluth Police Department Major Crimes Bureau, unless otherwise designated by the Chief of Police or their designee. The Criminal Investigating Entity is

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responsible for the criminal investigation of the officer involved use of deadly force incident. The Minnesota Bureau of Criminal Apprehension may also serve in this capacity, if requested by the Chief of Police or their designee.

Investigators - All Investigators from the Major Crimes Bureau who are conducting an investigation of the Office use of deadly force incident, unless other Criminal Investigating Entities and Administrative Investigating Entities have been designated by the Chief of Police or their designee.

Lead Investigator - The Investigator in charge of the criminal investigation or their designee at the scene.

Headquarters-Investigative - The Duluth Police Department Violent Crimes Unit Office or such other location designated by the Lead Investigator. This location shall serve Witness Officers who gather immediately following an officer involved use of deadly force incident for purposes of meeting with legal counsel, Employee Assistance Program (EAP) personnel, Investigators, and surrendering firearms or other equipment as deemed necessary.

Headquarters-Involved Officer's Room - The location designated by the Lead Investigator, which serves the Involved Officers immediately following a critical incident for purposes of relaxing, meeting with legal counsel, a Police Chaplain, Employee Assistance Program personnel, Investigators, and surrendering firearms or other equipment as deemed necessary.

Mental Health Professional (MHP) - A psychiatrist, psychologist or Employee Assistance Program (EAP) professional who may be called upon to meet with officers involved in use of deadly force incidents.

OFFICER-RELATED:

Escort - An officer assigned by the Incident Commander at the scene to stay with an Involved Officer and any Witness Officers until relieved by Investigators or a Union Board Representative.

Incident Commander - The DPD Patrol Supervisor at the scene who has taken command and control of the scene.

Involved Officer - An officer who appears to have engaged in conduct resulting in a Critical Incident.

Witness Officer - An officer who witnesses a Critical Incident, but did not engage in any conduct resulting in a Critical Incident.

REPORTS AND STATEMENTS:

Incident Report - A report or statement that sets forth the officer's account of an incident and is entered into the Duluth Police Department's records management system..

Public Safety Statement - A mandatory statement from the Involved Officers which provides information necessary to ensure public safety. This may include, but is not limited to, questions about the direction in which the Involved Officer fired their firearm, injured people, location of

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dangerous weapons and/or information on any suspects still at large. The scope of this statement is to obtain information that is critical and fleeting, in the immediate aftermath of an officer involved use of deadly force incident. It is intended to ensure that the scene is secure from any ongoing danger to either officers or the public. If there are multiple officers the incident commander should separately obtain Public Safety Statements from each involved officer, if feasible. See attached checklist.

Voluntary Statement - A statement given by Involved and Witness Officers to Investigators which is voluntary and outlines details associated with the Critical Incident.

331.4 ON SCENE PROCEDURES

Notification of a Critical Incident - As soon as an officer involved use of deadly force incident occurs, a Witness or Involved Officer shall immediately notify their supervisor and the St. Louis County 911 Dispatch Center that an officer involved use of deadly force incident has occurred. 911 Dispatchers and the Incident Commander shall immediately follow protocol to notify the Watch Commander. See checklist for response protocol and considerations.

Public Safety Statements - The Incident Commander is tasked with asking the involved officer(s) a limited number of questions to ensure the safety of the general public. The requirement of a Public Safety Statement may not exist due to the presence of witness officer(s). The Incident Commander should weigh the necessity of ordering officer(s) to give a Public Safety Statement based on the need to ensure the safety of the public. Upon completion of the public safety statement the Incident Commander will order the involved officer to turn off their body worn camera.

Scene Investigation - DPD Investigators shall assess the scene, unless other units or agencies are designated that duty by the Chief of Police. All police personnel who enter the crime scene shall complete a supplemental police report.

Press/Media Release- Only the Public Information Officer (PIO), Chief of Police, Deputy Chief or Commander on duty shall release to the press or make public in any way, details of an officer involved use of force incident or any subsequent investigation.

- **Until authorized by the Chief or designee, the name(s) of involved members will not be released by and DPD member.**
- **All subsequent media releases relative to the incident will be reviewed by the assigned investigative agency, Chief of Police or designee and the PIO.**

331.5 PROCEDURES FOR INVOLVED AND WITNESS OFFICERS

The following procedures shall apply to managing Witness and Involved Officers following an officer involved use of deadly force incident:

Involved Officers

At the scene:

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- The DPD Incident Commander shall determine which officers are Involved Officers. The Incident Commander at the scene shall promptly assign an Escort to stay with each Involved Officer until relieved by an Investigator or Union Board representative or other designee. One Escort shall be assigned for each Involved Officer.
- Involved Officers shall not talk to anyone at the scene about the incident, except the Incident Commander, Lead Investigator, a Union representative and/or legal counsel. Involved Officers shall provide a Public Safety Statement to the Incident Commander when ordered to, to enable the primary responders and Investigators to secure the scene, apprehend suspects, and allow for officer or civilian safety at the scene.
- The Involved Officers shall not be unreasonably denied access to a Union representative or legal counsel at the scene.
- As soon as practical, and with the permission of the Incident Commander, the Escorts shall take the Involved Officers from the scene to the Headquarters-Involved Officer's Room. Escorts shall keep the Involved Officers separate from other Involved and Witness Officers.
- Unless a supervisor has a reason to believe that the officer may pose a threat to themselves or to others, or unless directed by the Lead Investigator or their designee, the Involved Officers' firearm should not be taken at the scene.
- Involved Officers should not be placed in the back seat of a police vehicle.

At Headquarters

Involved Officer's Room:

- Involved Officers shall not be unreasonably denied access to:
 - Food and drink
 - Restroom facilities
 - Telephone to contact loved ones
 - A representative from the Union Board or other legal counsel
 - A representative from the Employee Assistance Program
 - A Police Chaplain or other clergy
 - Family members (which includes significant others)
 - Other Officers
- Involved Officers shall make their firearms available for a firearms inspection, and shall surrender their firearm and any other requested equipment to the Lead VCU Investigator or Use of Force Coordinator. If an Investigator from the Crime Scene Investigation Unit is not available to take custody of the firearm, the Lead VCU Investigator or the Use of Force Coordinator will take custody of the firearm, package and label it as evidence and submit the firearm to Property and Evidence Intake. Involved Officers shall be provided with replacement firearms and equipment as soon as reasonably possible.

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- After consultation with legal counsel, Involved Officers or their legal counsel will inform the Lead Investigator or designee of the Involved Officer's willingness to give a Voluntary Statement. Officers should be encouraged to make a voluntary statement only after a period of rest and preferably not prior to 48 hours after the incident. When feasible, officers should be allowed to walk through the scene of the incident before giving their statement.
- Before the involved officer returns to their home, voluntary blood and urine samples shall be requested. However, upon reasonable suspicion, the employer will order and require the employee to provide a blood and urine sample (Minn. Stat. § 181.951) The Involved Officer should be escorted to the emergency room by another officer or supervisor. Blood and urine samples shall be taken using official State of Minnesota blood and urine collection kits. After a health professional obtains the samples, they should be turned over to the police official at the hospital and brought back to the Duluth Police Department and immediately placed into evidence. For chain of custody and integrity reasons, neither the Involved Officer, nor their Union Representative should have access to the blood and urine kits or collected samples.

After Incident Care

Administrative Leave - Involved Officers shall be placed on a mandatory paid Administrative Leave for a minimum of three calendar days following the Critical Incident. At any time, the officer may request or the Chief of Police or their designee may order additional days of administrative leave.

Prior to returning to work, the Involved Officer shall speak with an Employee Assistance Program or mental health professional in person, or by phone, to ensure they are ready to return to duty. The Deputy Chief of the involved officer shall be responsible for making sure the mental health professional has cleared the employee to return to work.

An officer shall not work a scheduled shift, over time shift or extra-duty position while on Administrative Leave. An officer may work an approved non-uniform, non law-enforcement off-duty position while on Administrative Leave, at the sole discretion of the Chief or their designee.

Peer Debriefing - All Involved Officers may take part in a group peer debriefing facilitated by the Employee Assistance Program or other mental health professional, and after care as necessary.

Witness Officers

At the scene:

- The Incident Commander shall determine which officers are Witness Officers. As soon as possible, the Incident Commander shall assign an Escort to each Witness Officer. If possible, one Escort shall be assigned to each Witness Officer. Witness Officers shall be separated from each other and other witnesses and shall not talk to anyone at the scene about the incident other than the Incident Commander, Lead Investigator, a Union Board representative and/or legal counsel and to provide details to enable the primary responders and Investigators to secure the scene, facilitate the investigation, apprehend suspects, and allow for officer or civilian safety at the scene.

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- The Witness Officers shall be allowed a reasonable opportunity to consult with a Union Board representative or legal counsel at the scene. To ensure that all evidence and witnesses are located and preserved, Witness Officers should voluntarily meet at the scene with the Lead Investigator to give them a brief overview of the incident, identify evidence and provide other information deemed necessary to ensure the continuity of the investigation. The Lead Investigator will prioritize the order and urgency of Witness Officer Interviews, and will communicate the priorities to the Incident Commander and any Union representative who is present or accessible.
- As soon as practical, Witness Officers will be released from the scene by the Lead Investigator and advised to proceed to Investigative Headquarters. The Lead Investigator will inform the Incident Commander of any officers released from the scene. Witness Officers shall be advised that they are to wait at Investigative Headquarters for an opportunity to meet with legal counsel, a Police Chaplin or Employee Assistance Program Personnel.

Investigative Headquarters:

Witness Officers shall be afforded an opportunity to meet with the Police Chaplin, the responding Employee Assistance Program representative and to consult with legal counsel and/or Union Board representatives prior to providing a statement.

After such consultations, statements from Witness Officers are to be taken by Investigators prior to the officers being released from duty unless otherwise directed by the Lead Investigator or their designee.

If requested by Investigators, Witness Officers shall make their weapons available for a firearms inspection and shall surrender their firearm and any other requested equipment to the Lead Investigator or Use of Force Coordinator or designee. The Lead Investigator or use of Force Coordinator or designee shall collect the Witness Officer's firearm, package and label it, and put it in the evidence locker if Crime Scene personnel are unavailable to take immediate custody of the weapon.

Witness Officers shall be provided with replacement firearms and equipment as soon as reasonably possible.

After Incident Care

Administrative Leave - A Witness Officer may request to be placed on paid administrative leave or may be placed on administrative leave by the administration for up to three calendar days following the Critical Incident. The decision to grant the request shall be made at the sole discretion of the Chief or his/her designee. The decision on whether to grant paid administrative leave shall be promptly communicated to the Witness Officer by their Commander or the Commander's designee. If a witness Officer is placed on administrative leave, prior to returning to work, the Officer shall speak with an Employee Assistance Program or other Mental Health Professional either in person, or by phone, to ensure they are ready to return to duty.

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If an officer is granted a paid leave, he/she shall not work a uniformed off-duty job or over time while on Administrative Leave. An officer may work an approved non-uniform, non law-enforcement off-duty job while on administrative leave at the sole discretion of the Chief or his/her designee.

Peer Debriefing - All Witness Officers may take part in a group peer debriefing facilitated by the Department's EAP representative or other designated Mental Health Professional and shall take part in any after-care, if appropriate.

331.6 CONSULTATION WITH LEGAL COUNSEL

Involved and Witness Officers are entitled to consult with legal counsel during the pending officer involved use of deadly force incident investigation, up to and including any court proceedings. Such reasonable and necessary meeting or meetings may be considered on-duty time.

City Attorney - It is common for officer involved use of deadly force incidents to result in civil lawsuits being filed against the City of Duluth and Duluth Police Officers. Pursuant to the City's adopted defense and indemnity policy, the Duluth City Attorney's Office, as the legal counsel for the City of Duluth, defends the City and its employees in such suits. Therefore, it is very important, in order to properly defend against any potential lawsuit following an officer involved use of deadly force incident, that the City Attorney's Office be able to fully investigate the officer involved use of deadly force incident as soon as possible. For this reason, both Witness Officers and Involved Officers will be required to meet with and otherwise cooperate with the Civil Division of the City Attorney's Office when appropriate to aid in the defense of any case that may arise from an officer involved use of deadly force incident.

Prosecutor's Office- The St. Louis County Attorney's office has the authority to review all DPD investigations relating to officer involved use of deadly force incidents. Once the investigation is complete, the County Attorney will review DPD's investigation and make the final decision on any applicable criminal charges.

331.7 INTERNAL INVESTIGATION

The Administrative Lieutenant or their designee shall be responsible for conducting an Administrative Investigation of all officer use of deadly force incidents. It is generally advisable to conduct and complete a Criminal Investigation prior to beginning an Administrative Investigation.

Please refer to Duluth Police Department Policy 1004 - Internal Investigations; for the procedures to be followed by the Administrative Lieutenant in the Administrative Investigation process.

331.8 OFFICER INVOLVED USE OF DEADLY FORCE REVIEW

All officer involved use of deadly force incidents will be reviewed in Labor/Management meetings in order to follow-up on the well-being of the Officers involved, and to update the Critical Incidents policy as needed.

331.9 APPENDICES

331.9.1 OFFICER INVOLVED USE OF FORCE INCIDENT CHECKLIST

COMMAND OFFICER INVOLVED USE OF FORCE INCIDENT CHECKLIST

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Officer Involved Use of Deadly Force

I. Scene Responsibilities, Assignments and Preliminary Investigation

- Determine or assign Incident Commander and notify watch commander, dispatch and responding officers.
- Secure scene and establish a perimeter. Once safe, assign an officer to maintain crime scene access log.
- Identify and address all immediate threats to officers and the public.
- Identify and secure all suspects; make the scene safe.
- Facilitate for medical care of injured.
- Maintain regular updates to 911.
- Make or delegate call(s) to brief a Deputy Chief as soon as practical. (DC or designee will make additional contacts (see contact list).
- Assign officer(s) to protect scene evidence from elements and/or destruction (consider weather forecast) and collect photographs immediately to record scene prior to the scene being altered or destroyed by weather or First Responders entering scene. If applicable, also consider collection of all video and preservation of gun shot residue (GSR) evidence on suspect and/or officer(s).
- If officer(s) is/are injured or killed, assign an officer to remain with the officer(s) at all times or until relieved of duty. Prepare plan to notify family/significant other/next of kin of the incident as soon as practical. If officer is killed, notification will be done in person and consider clergy, partner officer(s), supervisor and member of command staff to be present.
- If victim(s) is/are injured or killed, assign an officer to remain with victim(s) at all times or until relieved of duty
- If suspect(s) is/are injured or killed, assign an officer to remain with suspect(s) at all times or until relieved of duty.
- Identify/secure all non-officer witnesses and obtain statements.
- Identify all involved and witness officers and keep separate.
- Take public safety statement from involved officer(s).
- Involved officer(s) and witness officer(s) will be assigned an escort officer(s) and transported from scene to involved officer's rooms and separated. If applicable, once inside the involved officer's room, arrangements should be made for any involved firearms to be secured by Use of Force Coordinator/Supervisor/Investigator.
- If involved officer(s) weapon is removed, a replacement firearm will be provided to the involved officer(s).
- Witness officer(s) will remain at the scene to brief incident command, watch commander or investigators,
- Facilitate for supervisor to obtain blood and urine tests from involved officer(s).

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- Officers should be encouraged to make a voluntary statement only after a period of rest and preferably not prior to 48 hours after the incident.
- Involved Officer(s) will be placed on Administrative Leave for a minimum of three days (more time may be approved if requested or required to complete an investigation).
- Assign officer to complete incident report; all officers responding to incident complete supplemental reports.

II. Contacts/Resources

- Contact Patrol Division Deputy Chief of Police
- Contact Investigative Division Deputy Chief of Police
- DPD, VCU, CSI and other investigative resources as needed
- Contact the Police Chief (typically done by a Deputy Chief)
- Consider outside agency to investigate (BCA, MSP, SLCSO if applicable)
- City Attorney
- County Attorney
- Public Information Officer
- Duluth Police Union Representative

III. Officer(s) and family support systems

- Duluth Police Department
- Duluth Police Union
- Peer Support Team
- Legal Defense Fund (LDF) or private attorney
- City Attorney
- Family contacted
- Significant others contacted
- Employee Assistance Program
- Clergy if requested
- Identify an officer(s) to become a liaison between the Department, the involved officer (s) and the family (24/7 responsibility). There will be one liaison assigned to each involved officer.
- If applicable, identify coordinating officer in charge of funeral arrangements for fallen officer's family. (Consider LEMA)

IV. Notifications

- Notification of family members/significant others of victims

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Officer Involved Use of Deadly Force

- Notification of all department members if victim officer involved
- Consider if notification is suitable for e-mail, Amerilert, or phone calls (if phone call is needed, consider unit leader calling assigned work units)
- Facilitate for press releases or press conferences

V. After-Action

- Officer involved use of force Incident Stress Debrief scheduling
- If officer injured First Report of Injury.
- If applicable, prepare plan with fallen officer family and/or coordinator officer for funeral arrangements
- Officer meets with Employee Assistance Program provider or other mental health professional or physician and receives a recommendation for continued leave or return to duty
- If applicable, Use of Force review
- Review process with Labor Management Committee

331.9.2 PUBLIC SAFETY STATEMENT QUESTIONS

Public Safety Statement Questions

As a Supervisor, I am ordering you to give this Public Safety Statement. Refusal to answer these questions could result in discipline up to, and including, termination.

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

This concludes the Public Safety Statement. I am directing you to turn off your body worn camera according to policy 332.4. You will now go with your escorting officer to headquarters.

CALEA 11.3.4

Identity Theft

332.1 PURPOSE AND SCOPE

Identity theft frequently involves related crimes in multiple jurisdictions. This policy will provide guidelines for the reporting and investigation of such crimes.

332.1.1 DEFINITION

Identity Theft: The fraudulent use of another person's identifying information, such as a credit card, social security number, or driver's license number, with the intent to facilitate other criminal activities or to obtain credit, goods, or services without the victim's consent. No financial loss is necessary.

332.2 REPORTING

- (a) To assist the public with initiating an investigation, officers presented with the crime of identity theft shall complete a report for crimes occurring in this jurisdiction or for victims who reside within this jurisdiction irrespective of where the crime occurred (Minn. Stat. § 609.527 Subd. 5).
 1. For any crime not occurring in this jurisdiction with a victim who does not reside within this jurisdiction, the officer shall direct the victim to promptly report the identity theft to the law enforcement agency where he/she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.
- (e) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

332.2.1 VICTIM ASSISTANCE

- (a) The initial responding officer shall hand out to the victim an identity theft victim advisory sheet which will provide information regarding the credit reporting agencies and placing a fraud alert on their credit reports; provide a list of websites to further report

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Identity Theft

fraudulent activities or obtain useful information; an ICR number; and information regarding follow-up investigation.

332.3 IDENTITY THEFT OF A DECEASED PERSON

Information on deceased persons may be entered into the case file if it is deemed by a law enforcement officer that the victim's information has been stolen. No consent form is required with the entry of a deceased person's information.

332.4 ADDITIONAL INFORMATION

See the Department's procedural standard of practice guidelines for more information.

Controlled Substance Overdose Investigations

333.1 PURPOSE AND SCOPE

The Duluth Police Department investigates overdose incidents when the suspected use of any controlled substance is cause for an overdose. If evidence supports probable cause for possession or sale of a controlled substance, the Department will investigate and pursue charges. The surviving patient may be charged with a controlled substance crime. If the patient dies, the death investigation may focus on a 3rd degree homicide investigation for the subject who sold, provided or aided the use of a controlled substance by the victim.

333.2 RESPONSIBILITIES

Officers responding to the scene of an overdose incident shall:

- Provide first aid as needed to the patient
- Contact a supervisor
- Supervisor will assess the need for further investigative resources
- Interview and gather names of all persons present at the scene; attempt to determine the controlled substance use by patient, history of use and source of supply
- Interview patient if possible
- Collect any paraphernalia and controlled substances in plain view or given to officers with consent; prepare to document facts supporting probable cause a controlled substance crime was committed to potentially assist the affiant on a search warrant
- Photograph scene
- Document investigation, interviews, and scene in a report.
- If the patient lives, refer to SIU for review of possible charges. If there is a death, determine the need for a call-out and refer to VCU.

Private Persons Arrests

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Minn. Stat. § 629.30 Subd. 2 (4).

334.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

All officers shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.
- (c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (Minn. Stat. § 629.39).

334.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (Minn. Stat. § 629.37):

- (a) For a public offense committed or attempted in his/her presence.
- (b) When the person arrested has committed a felony, although not in his/her presence.
- (c) When a felony has been committed and he/she has reasonable cause for believing the person to be arrested committed the felony.
- (d) When directed by a judge or a peace officer to arrest another person (Minn. Stat. § 629.403).

334.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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Private Persons Arrests

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking.
 2. Release the individual upon a misdemeanor citation or pending formal charges.

334.5 REPORTING REQUIREMENTS

In most circumstances in which a private person is claiming to have made an arrest, the individual will complete and sign a Department Arrest Form. The responding officer must review the Arrest Form for completeness. If the person fails or refuses to do so the arrest subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the Arrest Form (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident. The officer shall obtain either a Mirandized statement , or a non-custodial statement from the suspect.

334.5.1 JUVENILES

Parents must be notified prior to the juveniles' statement if the juvenile does not understand the Miranda Warning or has requested their parents be present.

In cases involving juveniles officers are to notify the parent or guardian and release the juvenile to them if detention is not warranted.

Limited English Proficiency Services

335.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000 d).

335.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized Interpreter - Any Duluth Police Department employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. Some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. A bilingual individual, depending on skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. To be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Person Disabled in Communication - A person who cannot fully understand legal proceedings, such as, charges involving him/her, seizure of the person's property, or is incapable of assisting in the presentation of a defense because of (Minn. Stat. § 611.31):

- (a) A hearing, speech or other communication disorder.
- (b) Difficulty in speaking or comprehending the English language.

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Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

335.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages Department personnel could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice LEP *Guidance to Federal Financial Assistance Recipients* available at the USDOJ website, <http://www.justice.gov> in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department personnel or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with Department personnel, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services, while not imposing undue burdens on the Department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

335.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language. The Census Bureau, language identification cards or I speak card, can be found and downloaded at <http://www.lep.gov>.

335.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the four factors listed above, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

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335.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established Department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other City departments who have the requisite training may be used to the extent available.

Department personnel or any other individual utilized for interpretation must be a qualified interpreter as defined by Minnesota law in order to provide communications services when a person disabled in communications may be subject to arrest, interrogation or property seizure (Minn. Stat. § 611.32 Subd. 2).

335.3.2 TELEPHONE INTERPRETER SERVICES

The Watch Commander and the Communications Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist Department personnel in communicating with LEP individuals via official cellular telephones.

335.3.3 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual Department personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring law enforcement agencies, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. Department personnel may use a City of Duluth work issued cellular device that contains a translator application capable of communicating with LEP individuals. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended. Department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the USDOJ Final Guidance available at the USDOJ website, <http://www.justice.gov>).

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335.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that these services may be targeted where they are most needed. A supervisor should be informed of any service requests other than those provided by the Department.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

335.4.1 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined above to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that Department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

335.4.2 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

335.4.3 CUSTODIAL INTERROGATIONS AND BOOKINGS

To protect the rights of LEP individuals during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing interpretation services or translated forms in these situations will have demonstrated

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competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

To ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is under the control of Department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

335.4.4 INTERPRETER REQUIRED IN ARRESTS

Following an arrest of a person disabled in communication, the arresting officer shall immediately make arrangements to provide a qualified interpreter at the earliest possible time and at the place of detention. The officer shall, with the assistance of the interpreter, explain all charges filed and all procedures relating to the person's detainment and release (Minn. Stat. § 611.32 Subd. 2). The officer shall inform his/her supervisor of the arrest and the need for a qualified interpreter.

Prior to an interrogation or taking a statement, the arresting officer shall make available a qualified interpreter to assist throughout the interrogation or taking of a statement. The interpreter shall assist with all other communications, including those relating to needed medical attention.

335.4.5 QUALIFIED INTERPRETER REQUIRED FOR PROPERTY SEIZURE

If the property of a person is seized incident to a lawful arrest or search, the seizing officer shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review (Minn. Stat. § 611.32 Subd. 2).

335.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of Department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

335.5 TRAINING

In an effort to ensure that all personnel in public contact positions or who have contact with those in custody are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access Department-authorized, telephonic and in-person interpreters and other available resources.

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The Personnel, Training, and Licensing Lieutenant shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive periodic refresher training.

335.6 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- (a) A list of Department bilingual employees, languages spoken and contact and shift information
- (b) A list of Department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- (c) The telephone number and access code of telephonic interpretation services

Communications with Persons with Disabilities

336.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

336.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102). This includes those who, because of a hearing, speech or other communication disorder, cannot fully understand any charges made against them, the seizure of their property or they are incapable of presenting or assisting in the presentation of a defense (Minn. Stat. § 611.31).

Qualified Interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

336.2 POLICY

It is the policy of the Duluth Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

336.3 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

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- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency availability may factor into the type of aid used.

336.4 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation when a member knows or suspects an individual requires assistant to effectively communicate the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include for example exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Duluth Police Department, consideration should be given, safety permitting,

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to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

336.5 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

336.6 FIELD RESOURCES

Examples of methods that may be sufficient for transactions such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speech-read by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

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336.7 CUSTODIAL INTERROGATIONS

In an effort to ensure the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, as with all custodial interviews, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

336.8 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

The investigating or arresting officer shall immediately make necessary contacts to get a qualified interpreter for a person in custody at the earliest possible time (Minn. Stat. § 611.32).

The following shall be explained with the assistance of the qualified interpreter (Minn. Stat. § 611.32):

- (a) All charges filed against the person
- (b) All procedures relating to the person's detainment and release
- (c) In the case of any seizure under the Asset Forfeiture Policy:
 1. The possible consequences of the seizure
 2. The person's right to judicial review

When gathering information during the booking process members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

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336.9 TYPES OF ASSISTANCE AVAILABLE

Duluth Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

336.10 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

336.11 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available by some means, even remotely, within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

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336.12 OATH

Every qualified interpreter shall be administered and take the following oath prior to assisting in taking a statement related to a criminal matter from an in-custody deaf or hard of hearing person (Minn. Stat. § 611.33):

"I will make, to the best of my skill and judgment, a true interpretation to the disabled person being examined of all the proceedings, in a language which said person understands, and to repeat the statements, in the English language, of said person to the officials before whom the proceeding is taking place."

336.13 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time as needed for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

336.14 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

336.15 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

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- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

336.16 REPORTING

Whenever any member of this department is required to complete a report or other documentation and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

336.17 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with department policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

Child and Dependent Adult Safety

337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or vulnerable adult investigation. These are covered in the Child Abuse and Adult Abuse.

337.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Duluth Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

337.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, and a reasonable officer would have reason to believe the arrestee is responsible for children or a dependent adult, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. If reasonable, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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337.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the county social services agency, if appropriate.
- (e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

337.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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337.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
1. Name
 2. Sex
 3. Age
 4. Special needs (e.g., medical, mental health)
 5. How, where and with whom or which agency the child was placed
 6. Identities and contact information for other potential caregivers
 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:
1. Name
 2. Sex
 3. Age
 4. Whether he/she reasonably appears able to care for him/herself
 5. Disposition or placement information if he/she is unable to care for him/herself

337.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

337.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service entity to determine whether protective custody is appropriate (Minn. Stat. § 260C.007; Minn. Stat. § 260C.175).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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337.5 TRAINING

The Personnel, Training, and Licensing Lieutenant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Service Animals

338.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Duluth Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

338.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

- Other species of animals, wether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
- The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.)28 CFR 35.104)

Handler Control - A service animal must be under the control of its handler. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal or other effective controls.)28 CFR 35.104)

338.2 POLICY

It is the policy of the Duluth Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

338.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Duluth Police Department affords to all members of the public (see generally Minn. Stat. § 256C.02; Minn. Stat. § 363A.19).

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338.3.1 REMOVAL

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

338.3.2 INQUIRY

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

338.3.3 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

338.3.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice or the Minnesota Department of Human Rights.

338.4 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

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Examples of the ways service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behavior.

Volunteer Program

339.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

339.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

339.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Duluth Police Department volunteer include:

- (a) At least 18 years of age for all positions other than Explorer.
- (b) At least 14 years of age for Explorer.
- (c) A valid driver's license if the position requires vehicle operation.
- (d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (f) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
- (g) The applicant must not have any mental illness or chemical dependency condition that may adversely affects the person's ability to serve in the position.
- (h) Physical requirements reasonably appropriate to the assignment.
- (i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

339.2 VOLUNTEER MANAGEMENT

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339.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Maintaining records for each volunteer.
- (c) Tracking and evaluating the contribution of volunteers.
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (e) Maintaining a record of volunteer schedules and work hours.
- (f) Completion and dissemination as appropriate of all necessary paperwork and information.
- (g) Planning periodic recognition events.
- (h) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

339.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

339.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check
- (b) Employment
- (c) References

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A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).

339.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork. At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

339.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

It is highly recommended that volunteers attend the Citizen Police Academy.

Depending on the assignment, Training may include:

- (a) Role of the volunteer.
- (b) Department policies.
- (c) Training specific to the procedure manual for the volunteer position.
- (d) Discrimination and harassment training.
- (e) CPR/first aid.
- (f) CERT/Citizens Emergency Response Training.
- (g) Search and rescue techniques.
- (h) Scenario-based searching methods.
- (i) Evidence preservation.
- (j) Basic traffic direction and control.
- (k) Roadway incursion safety.
- (l) Self-defense techniques.

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- (m) Vehicle operations, including specialized vehicles.

Pursuant to Minn. Stat. § 626.8466, the Department may establish training, licensing and continuing education requirements for its reserve officers.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer that they are licensed officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a licensed officer, it shall also apply to a volunteer unless by its nature it is inapplicable.

339.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

339.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

339.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

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A volunteer may be assigned as, and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

339.4 DATA PRACTICES

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

339.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

339.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

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Volunteer Program

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is operated during a POST-approved skills course; that it is being used to transport prisoners or equipment; or is being used to provide supplementary assistance under the direction of an on-duty licensed officer (Minn. Stat. § 169.98 Subd. 1b. Volunteers are not authorized to operate a Department vehicle under emergency conditions (lights and siren).

339.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

339.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

339.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

339.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly and to ensure optimum job satisfaction on the part of volunteers.

339.8 EMERGENCY CALLOUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency callout procedure for volunteer personnel.

Off-Duty Law Enforcement Actions

340.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Duluth Police Department with respect taking law enforcement action while off-duty.

340.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage is at risk, officers should first consider reporting and monitoring the activity and only take direct action as a last resort when immediate action is reasonably required.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that the member reasonably believes would justify the use of deadly force, or could likely result in physical bodily harm to the officer or another, or result in significant property damage may take reasonable action to minimize or eliminate the threat. See the Use of Force Policy for additional guidance.

340.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms and Qualification Policy. When carrying firearms while off-duty, officers shall also carry their department-issued identification.

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

340.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or a baton.
- (d) The lack of body armor.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

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- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

340.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if reasonably possible.

Whenever reasonably practicable, the officer should loudly and repeatedly identify him/herself as a Duluth Police Department officer until acknowledged. Official identification should also be displayed.

340.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

340.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and reasonably practicable.

340.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

340.5 REPORTING

Any officer, when practicable (not applicable to an unfolding event requiring rapid response), prior to taking any off-duty law enforcement action, shall notify and receive approval of a Duluth Police Department supervisor (or other applicable enforcement authority if acting outside the jurisdiction of the Duluth Police Department). The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Arrests

344.1 PURPOSE

This Policy is established to define an officer's ability to arrest with and without a warrant. The policy shall be compliant with the Constitution of the United States and the Constitution of the State of Minnesota pertaining to arrest. The policy shall address when it is acceptable to exercise alternatives to arrest or continued custody.

345.1.1 ARREST PROCEDURE GENERAL

MN State Statute 629.34 WHEN ARREST MAY BE MADE WITHOUT WARRANT. Also reference Minnesota Rules of Criminal Procedure, specifically rule 4 and rule 6.

Subdivision 1. Peace Officers

A. A peace officer, as defined in section 626.84, subdivision 1, paragraph (c), who is on or off duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40, may arrest a person without a warrant as provided under paragraph (c).

B. A part-time peace officer, as defined in section 626.84, subdivision 1, clause (d), who is on duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40 may arrest a person without a warrant as provided under paragraph (c).

C. A peace officer or part-time peace officer who is authorized under paragraph (a) or (b) to make an arrest without a warrant may do so under the following circumstances:

1. When a public offense has been committed or attempted in the officers's presence;
2. When the person arrested has committed a felony, although not in the officer's presence;
3. When a felony has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it;
4. Upon a charge based upon reasonable cause of the commission of a felony by the person arrested;
5. Under the circumstances described in clause (2), (3) or (4), when the offense is a gross misdemeanor violation of section 609.52, 609.595, 609.631, 609.749, or 609.821;
6. Under circumstances described in clause (2), (3), or (4), when the offense is a nonfelony violation of section 518B.01, subdivision 14, 609.748, subdivision 6; or 629.75, subdivision 2, or a nonfelony violation of any other restraining order or no contact order previously issued by a court;
7. Under the circumstances described in clause (2), (3), or (4), when the offense is a gross misdemeanor violation of section 609.485 and the person arrested is a juvenile committed to the custody of the commissioner of corrections; or

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8. If the peace officer has probable cause to believe that within the preceding 72 hours, exclusive of the day probable cause was established, the person has committed nonfelony domestic abuse, as defined in section 518B.01, subdivision 2, even though the assault did not take place in the presence of the peace officer.

D. To make an arrest authorized under this subdivision, the officer may break open an outer or inner door or window of a dwelling house if, after notice of office and purpose, the office is refused admittance.

345.1.2 ARREST: SEARCH INCIDENT TO ARREST WITH OR WITHOUT A WARRANT

A. All persons that have been arrested shall be thoroughly searched

B. The search of a person incident to arrest is permitted for the following reasons:

1. To collect and preserve evidence.
2. To protect the safety of others and the arresting officer.
3. To prevent escape.
4. To prevent weapons and contraband from entering a custodial facility.

C. A warrantless search of a vehicle or area incident to arrest may be valid in circumstances in which the security of an arresting officer is compromised, or when the arresting person is within reach of contraband and thus able to attempt to destroy or conceal it. Once a person is handcuffed, in control of officers, or removed from the immediate area, the area and or vehicles that had been within the arrestee's reach will no longer fall under search incident to arrest.

D. A strip search requires articulable justification and is to be completed in accordance with DPD policy 900.5, Strip Searches.

E. A person released at the scene on a traffic citation in lieu of arrest shall not be subject to search incident to arrest.

F. Search incident to arrest shall apply to a person who is arrested or taken into custody and later released from a detention facility on a signature release in lieu of continued custody.

345.1.3 ARREST: IDENTIFICATION

A. If a person is subject to custodial arrest and charged with an offense classified as a misdemeanor, gross misdemeanor or a felony, the person shall be finger printed and photographed by the Saint Louis County Jail prior to release. This shall include photographing other identifying features such as scars, marks, and tattoos.

345.1.4 ARREST; REPORTS

A. If an adult is arrested a case report and arrest report shall be completed.

B. If a juvenile is arrested a case report and arrest report shall be completed.

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C. Regardless if an adult or juvenile has been arrested previously for a separate offense, an officer shall be required to complete all the required reports as a means to accurately document the current offense and update existing records.

D. All officers who arrest an adult for a criminal offense shall complete the probable cause statement paperwork.

345.1.5 ARREST: ALTERNATIVE TO ARREST OR CONTINUED CUSTODY

A. The Duluth Police Department shall make physical arrests when appropriate. Officers are encouraged to consider alternatives to arrest whenever possible (e.g. referral, warnings, citations and diversion programs) to address the variety of problems they encounter.

CALEA 1.2.5, 1.2.6

Interview Rooms

345.1 PURPOSE AND SCOPE

This procedure provides guidelines for the utilization of the department's interview rooms.

345.2 PROCEDURE

It is the policy of the Duluth Police Department to utilize the interview rooms to provide a safe and secure facility for the interviewing of witnesses and suspects while preliminary investigations are conducted. The following procedures shall be observed at all times unless the circumstances demand a variation. In all cases where a deviation from the guidelines occurs, the on-duty Watch Commander or designee shall approve the action

345.3 WEAPONS CONTROL

Detectives and uniformed officers will ordinarily have their duty weapons in their possession when interviewing or interrogating a person in the Interview Room. Officers must be cognizant at all times of the proximity of the subject being interviewed to their service weapon.

345.4 SECURITY CONCERNS

A. All detainees that are to be interviewed in the interview room shall be searched prior to entering the interview room. Prior to the person being interviewed entering the interview room, all items that could easily be utilized as a weapon will be removed or secured. Officers must remain cognizant that some items will be present that could potentially be utilized as a weapon.

B. The following factors shall be taken into consideration when determining whether a detainee needs to be handcuffed while inside the interview room:

- Has the detainee exhibited behavior that indicates that they represent a threat to the officers or themselves?
- What is the demeanor (mental/emotional state) of the detainee?
- Are there sufficient officers available to control the detainee(s)?
- Will the interview process be hindered if the detainee is handcuffed?

C. Officers are to have portable radio or cellular phone available to be used as a means of summoning assistance in the interview room during an interview.

345.5 CONDUCTING INTERVIEWS

A. There may be one or two investigators present when a person is being interviewed. Unless circumstances dictate otherwise, only one person to be interviewed will be present in the room at a time. Depending on circumstances, an attorney, parent, or other approved person may be present for the person being interviewed. Generally, there will be no more than two officers interviewing a person.

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B. Due to security concerns, officers should be mindful of what items they bring into the interview room with them (pens, paper, paperclips, and pencils) and ensure that all items are removed at the time that they leave.

C. Permanently installed video and audio equipment allows for the observation and recording of all interviews conducted in the interview rooms.

D. The person being interviewed will be allowed to take bathroom, comfort, and water breaks when requested. An officer of the same sex will escort the individual to the closest bathroom and stay with them at all times. The bathroom should be searched prior to and after it is used.

CALEA 42.2.8

Community Policing

346.1 PURPOSE AND SCOPE

It is the policy of the Duluth Police to promote Community Policing with all department employees working in cooperation to develop and implement procedures and programs which are designed to reduce the opportunity of crime.

Partnerships and resources developed between DPD and the community as Community Outreach, work together to build problem-solving coalitions, to instill a sense of mutual responsibility for enhancing public safety, and to increase the community's capacity to resolve issues related to crime and the fear of crime.

The purpose of this directive is to establish procedures for the department to interact and foster relations with the community in order for Community Policing and Community Outreach to complement and enhance each other with the overall goals of increased community relationships and a reduction in crime.

346.2 PROCEDURE

Community Policing is the responsibility of every officer in the DPD. It is the responsibility of every officer and employee to be familiar with the department's Community Policing programs and to support those programs. No department member shall advise any person that the use of any Community Policing suggestion or program will prevent that person or any other person from becoming the victim of a crime. Community Policing suggestion and/or programs are designed only to lessen the probability of victimization.

PATROL OFFICERS:

Patrol Officers respond to both ongoing criminal actions and trends in crime. When data becomes available to indicate a trend of a particular crime type or location, officers should develop targeting programs to counteract these trends. Actions may include but are not limited to:

- Canine Demonstrations – The DPD K9 Officers
- Business Checks – Officers conduct business checks on businesses during open hours to display a police presence and gather any concerns employees may have. During closed hours, officers should conduct business checks by ensuring businesses are secure and watching for suspicious activities in the area.
- Community Policing Activities – All officers should be aware of, and when appropriate, shall offer assistance in Community Policing activities taking place within their assigned patrol areas. These activities may include but are not limited to Neighbor Watch programs, National Night Out activities, block parties, and other DPD Community initiatives
- Citizen Ride-Along Program – The Citizen Ride-Along Program promotes a better understanding of law enforcement experiences and the work performed by officers to the community.
 - Refer to the Citizen Ride-Along Program directive for additional information..

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- School Resource Officers (SROs) – School Resource Officers are a specialty position which offer valuable resources with Community Policing and community outreach.
 - Refer to the School Resource Officer directive for additional information.

COMMUNITY POLICE OFFICERS

The Community policing function is performed by the Community Policing units divided among the East and West under the Office of the Deputy Chief of Patrol. The Community Policing Unit is responsible for planning and coordinating Community Policing and community relations programs and will be directly responsible for the maintenance of all programs that reflect concerns for the safety and well-being of the residential and business communities.

The Community Policing Unit regularly communicates with schools, businesses, other government agencies, Community based organizations as well as the general public. In addition to all current programs, the Community Policing Unit will develop new strategies based on crime data and public concerns. The Community Policing Unit will maintain a liaison with interested civic organizations and community groups. Functions of the Community Policing Unit include but are not limited to:

- Business Liaison – Annually update the business contact (key holder) information, and coordinate regular loss prevention intelligence sharing meetings with area loss prevention personnel
- Citizen Patrol Organizations – A cooperative effort between neighbors who pledge to watch their neighborhood more closely and report to the DPD when suspicious activities and/or crimes arise. The DPD serves in a supportive role to this community program. The Community Policing Unit will meet with neighborhoods to discuss neighborhood watch programs and to provide assistance in organized efforts to make their homes and the community safer. This may include on occasion a Neighborhood Watch Town Hall meeting where analysis of crime data is discussed.
- New Construction Programs – The Community Policing Unit will provide security recommendations, upon request, to anyone in the process of constructing a new building, an addition, or a remodeling project and for those parties interested in updating their current security needs.

COMMUNITY OUTREACH:

The Duluth Police Department's Community Outreach function will be performed by all sworn officers of the DPD and all are responsible for achieving the agency's community involvement objectives. The DPD's Community Policing Unit will be responsible to provide the following at a minimum:

- The Area Community Policing Commander's, and their assigned officers will act as liaison to interact with community businesses, schools, social, and religious organizations, and other community groups where they are needed.
- Achieving the agency's community involvement objectives.
- The development of community involvement policies for the agency.
- Publicizing agency objectives, problems, and successes.

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- Conveying information transmitted from citizens' organizations to the agency.
- Improving agency practices bearing on police community interaction.
- Identifying training needs through community and department input.
- Establishing community groups where they are needed.
- The development of problem oriented or community policing strategies, as needed.

STRUCTURE:

The DPD's Community Policing teams will be divided between the East and West areas. They will be led by a Lieutenant and a Sergeant. The assignment of responsibilities are as follows.

East Area

- Lieutenant
- Sergeant
- CORE Officers
- Downtown Community Officer
- East Area Community Officer

West Area

- Lieutenant
- Sergeant
- West Community Officer
- HRA Officers
- School Resource Officers

Members of the Community Policing Teams will be assigned specific duties in which they are responsible for building partnerships and assisting the public and other City of Duluth employees in problem solving. These partnerships will include but not be limited to:

- Apartment Complex Management and Landlords
- City of Duluth employees
- Citizens
- Educators
- Local Businesses
- Neighborhood Organizations
- Non-Profit Community Organizations
- Religious Organizations

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- Other government entities
- Social Service agencies
- Enforcement of the Crime Free Multi-Housing Policy

REPORTING:

All employees should forward any statistics, public requests, and/or employee suggestions related to Community Policing/Community Involvement to the appropriate area team. This would include but is not limited to, current community concerns and potential community problems along with recommended actions and progress reports on those actions. Community Policing Officers will submit monthly presentations, meetings, and activity statistics to the Community Policing Commander who will complete the following evaluations, reports and surveys, and submit them through the chain of command to the Chief of Police.

- Quarterly report to include at a minimum the following:
 - A description of current concerns voiced by the community
 - A description of potential problems that have a bearing on law enforcement activities within the community
 - A statement of progress made toward addressing previously identified concerns and problems
 - A statement of recommended actions that address previously identified concerns and problems
- Annually the East and West Area Commanders will compile a documented evaluation of utilized Community Policing programs to include:
 - Targeted programs by crime type and geographical area based on crime data
 - Targeted programs to address community perceptions and misperceptions of crime
- Annually, a written summary of the compiled results of the Citizens' Survey, located on the DPD's website, will be compiled by the Administrative Deputy Chief for review. A review of this information will consist of any relevant operational and policy changes. The survey will include at minimum:
 - Overall agency performance
 - Overall competence of agency employees
 - Citizens' perception of officers' attitudes and behavior
 - Community concern over safety and security within the agency's service area
 - Citizens' recommendations and suggestions for improvements

CALEA 44.1.2, 44.2.4, 45.1.1, 45.1.2, 45.1.3, 45.2.1, 45.2.2

Prisoner Transports

347.1 PURPOSE AND SCOPE

The Duluth Police Department (DPD) recognizes the need to ensure the safety and security of officers performing prisoner transportation duties and to the prisoners being transported. Special prisoner transport situations may occur where it is necessary for an officer to take special or extra measures to properly accomplish a transport.

347.2 PROCEDURE

After an arrest has been made and it is determined that the person will be taken into custody and does not need medical attention, the following will apply:

Adults:

- The person may be transported to the station for further investigation.
- The person may be transported to the Saint Louis County Jail (SLCJ)
- If there is a valid warrant through a bordering county with no additional charges, officers will request the originating agency to meet at a mutually agreed location in order to exchange the prisoner.
- If the bordering agency does not have the manpower for the exchange, the suspect will be transported to the SLCJ.

Juveniles-Refer to the Juvenile Investigations Policy 313.

347.3 BARRIER EQUIPPED/MODIFIED VEHICLES

All vehicles used as primary patrol squads will be equipped with rear compartment cages. The following modifications will also be adhered to: removal of deactivation of interior door locks and deactivation of windows.

347.4 TRANSPORT VEHICLE INSPECTION

Prior to usage on each shift, officers will inspect their assigned vehicles for overall mechanical condition and, if that vehicle may possibly be used in the transport of detainees, for weapons, contraband, and any other illegitimate articles which may have been left or concealed in the detainees' area of the vehicle. Any issue found should be brought to the attention of the shift supervisor and documented. Vehicles will always be searched prior to and after transporting anyone.

The search prior to a transport may not need to be conducted immediately prior to the transport, as long as the vehicle was previously searched and the officer has been in constant control of the vehicle following that search and the introduction of a prisoner into the vehicle.

347.5 PRE-TRANSPORT SEARCHES OF DETAINEES

Anytime an officer arrests, or otherwise receives a person in custody, the officer will see that the person is handcuffed, and then searched for weapons, contraband, and/or other dangerous

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articles prior to transport. This pre-transport search would include searching a suspect who may have been previously searched by other officers, prior to any transport.

- Officers may conduct a cursory pat down or frisk of persons of the opposite sex; however, officers are encouraged to obtain the assistance of an officer of the same sex as the suspect to perform the search if readily available.
- Refer to arrest procedures directive regarding conducting and documenting searches. (Custodial Searches Policy 900 and Search and Seizure Policy 311)

347.6 RESTRAINT OF DETAINEES

All adult prisoners will be handcuffed unless it is not feasible medically or physically. When applied, a prisoner should be handcuffed with hands behind the back and palms out and the handcuffs double locked, to prevent the possibility of tightening and/or the picking of the lock, as trained in the Duluth Police Department Recruit Academy and in subsequent training thereafter, unless certain circumstances dictate otherwise.

Restraining devices may be applied to the wrists with the hands positioned in front of the arrestee in certain circumstances. Circumstances when a person could be handcuffed in the front could include, but not be limited to:

- Individuals physically injured or incapable of placing hands behind the back.
- Elderly individuals.
- Handicapped individuals.

If circumstances require an alternative to normal handcuffing behind the back, the arresting officer will note the circumstances in their report.

If the prisoner complains the handcuffs are too tight, the handcuffs should be inspected and adjusted if it is practical, safe, and necessary.

Handcuffs should remain in place until the transport is completed.

Prisoners will be secured in all transport vehicles by use of the seatbelts unless circumstances justify otherwise.

- Officer safety and the physical condition of the prisoner should be considered. If, because of circumstances, the suspect is not seat belted, the transporting officer will note any justification for not using a seatbelt in the officer's report.

Supplemental restraints such as leg restraints may be used if the person is violent or agitated and they are inadequately restrained.

Leg restraints will be applied according to departmental training.

Detainees will not be handcuffed to the transporting vehicle at any time, and will not be handcuffed to one another or with arms intertwined, unless extreme circumstances dictate otherwise.

Flex cuffs may be used if handcuffs are unavailable or if multiple detainees need to be restrained.

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For situations involving the restraint of a mentally ill individual in which extreme violent behavior is displayed or such person possesses a significant threat to themselves or transporting officers, additional devices, such as a stretcher with attached restraining devices may be used. (NOTE: If a suspect must be restrained on a stretcher, Mayo Ambulance Service will be utilized to assist with the transport.)

Leg restraints and waist chain may be used when transporting detainee's long distances.

- Care should be taken when stopping. The transporting officers shall maintain proper supervision of detainees at all times.

Restraint of Juveniles - Refer to the Juvenile Investigations Policy 313

347.7 DETAINEE TRANSPORT OPERATIONS

Anytime officers transport a suspect in a vehicle equipped with in-car audio/visual recording equipment (A/VRE), officers will make certain the system is activated.

Officers transporting detainees have the primary responsibility of safely delivering the detainee. Officers should not stop to provide police services, except when there is grave and imminent danger to a third party, and risks to the detainee are minimal. Any such interruption to the transport will require the officer to notify the Saint Louis County Dispatch (SLCD) of their location and the nature of the interruption. Officers should keep in mind that a perceived incident may in fact be an ambush or ruse for the detainee to escape.

Transport information is retained by Saint Louis County Dispatch (SLCD) through call logs and recorder in accordance with the Record Retention Policy. When officers conduct any transport, they will advise the SLCD over the radio of the following:

- The number individuals being transported.
- The sex of the individuals being transported.
- If the individual is an adult or juvenile.
- Destination
-
- Detainees should be transported in the rear seat or rear compartment area of police vehicles equipped with a safety barrier (a cage), and the rear door locks, windows, and door handles rendered inoperable or disengaged. This method keeps the detainee beyond access to the transporting officers. Certain circumstance may dictate that a suspect be transported in a non-barrier equipped vehicle. **See below for transporting detainees in a non-barrier equipped vehicle.**

If officers are transporting multiple detainees from the same criminal event, every effort should be made to transport them individually. If this is not possible, detainees can be transported together as vehicle restraints allow.

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In general, detainees should not be allowed to talk to friends or family members during transport as this may cause an officer safety concern where the detainee is giving their location while en route to the transport destination.

Exceptions may occur in circumstances similar to the following so long as officer safety is not compromised. Officers should pay attention and make certain the detainee is not conspiring an ambush/escape attempt. Generalized exceptions are but not limited to:

- The need for medical treatment and an exchange of medically related information between the detainee and Emergency Medical Service (EMS) personnel is necessary.
- The detainee is a juvenile, and circumstances warrant the juvenile be in contact with a parent/guardian or custodian.
- The detainee's mental health status may benefit from speaking with another individual.
- Allowing an agitated detainee use of their cell phone may help to calm the detainee.

NOTE: This does not preclude the transport officer(s) from listening to all voluntary utterances made by the arrestee(s) and making such information available to the applicable case file. If viable information is overheard, it should be noted in the officer's report and the A/VRE and Body Camera recording should be referenced.

Disruptive suspects or prisoners who are a flight risk and are transported to the DPD will be escorted to a recorded interview room for interviews. When leaving the station, disruptive suspects or prisoners will be escorted back to a transport vehicle.

Transporting officers are responsible for visually monitoring prisoners throughout the transport process until the custody of the prisoner(s) is transferred to another officer, agency, or detention facility.

Transport officers are not to lose sight of detainees at any time during the transport; however, certain controlled circumstances may dictate officers to temporarily lose sight of a detainee. If this occurs, officers will position themselves in a reasonable manner to prevent escape. Exceptions to keeping sight of a detainee would include:

- At a medical facility where a physician, physician assistant, or nurse practitioner requested that the officer leaves during surgery or examination of a detainee.
- While a detainee of the opposite sex, of the transporting officer, uses a toilet facility.

347.8 SPECIAL TRANSPORT SITUATIONS

Handicapped persons, who are in custody, and who require a wheelchair or walking aid should be restrained to the extent of ensuring the safety of the transporting officer and the person in custody.

347.9 TRANSPORTING DETAINEES IN A NON-BARRIER EQUIPPED VEHICLE

Whenever possible, officers with non-barrier equipped vehicles will contact an officer with a safety barrier (a cage), and the rear door locks, windows, and door handles rendered inoperable or disengaged to transport detainees.

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During the transport of a detainee in a non-barrier equipped vehicle, it is required that:

- The detainee will be placed in the rear seat on the right side.
- Two officers be used for the transport.
- The second officer will sit in the left rear seat
- No more than one detainee may be transported in a non-barrier equipped vehicle.
- The detainee will be seat belted.
- Arrestee shall be handcuffed behind the back.

Non-barrier equipped vehicles will not be utilized for suspects under arrest if:

- The detainee is combative.
- For any reason, the seat belt cannot be fastened on the detainee.
- Handcuffing an arrestee behind the back is not possible
- Any other safety or security concerns are present.

If there is an extreme situation which requires an emergency transport of a detainee in a non-barrier equipped vehicle with only one officer, the following procedure will be used for the transport:

The detainee will be handcuffed behind his back.

The detainee will be placed in the rear seat on the right side or the front seat on the right side.

The detainee will have their seat belt fastened

347.10 SPIT HOODS

Spit hoods can be utilized on prisoners who have displayed spitting tendencies or who indicate they will do so. If a spit hood is utilized, the officer placing the spit hood on the suspects shall:

- Use the hood in accordance with department training.
- Document its usage in a report and include:
- Why the hood was utilized.
- Time the hood was place on and removed from the suspect.
- If possible, spit hoods should be left on and removed at the receiving agency in a similar fashion as handcuffs.
- Replace any used hood with a new hood.

347.11 DETAINEE ESCAPE DURING TRANSPORT

In the event of a detainee escape during transfer, the transporting officer shall:

- Immediately notify SLCD of the escape, if possible, and attempt to provide the following information:
- Location and last direction of travel;

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- What the detainee was in custody for, and if the detainee is a danger to themselves or others;
- Physical description of the detainee.
- Make every attempt to immediately return the detainee to custody, if it is safe and practical to do so.
- Notify a street supervisor who may help:
- Coordinate perimeters
- Coordinate search activities
- Request additional personnel or resources if needed
- Notifications to outside agencies.
- Prepare necessary reports if one was not completed for an original offense, an officer's supplemental, an electronic complaint and warrant request (if needed), and any additional paperwork depending upon the circumstances.
- Have SLCD notify surrounding and otherwise appropriate agencies of the escape, and cancellation of the notification upon recapture.
- Process the detainee on applicable charges.

347.12 NOTIFICATION OF SECURITY HAZARDS

If a prisoner is combative or is considered an unusual security risk, the transporting officer, as soon as practical, shall contact the receiving agency or facility concerning the incoming prisoner. This would include but is not limited to contacting:

- SLCJ
- Any hospital

347.13 MEDICAL SERVICES

Officers must be alert for any conditions requiring medical attention with a prisoner. If needed, medical triage protocol, based on training, should be used to determine if an injury exist, and to what extent. Officers shall render medical aid as trained, if possible, and as soon as practical.

- Officer shall request medical assistance through SLCD for serious injuries to include:
- Obvious severe injuries
- Any unconsciousness
- Apparent medical distress
- Subjects with less serious medical issues may be transported to the hospital by officers if immediate care is not required.
- Upon arrival at the medical facility, officers should remain with the detainee or obtain assistance from medical facility personnel to prevent the detainee from:
- Escape

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- Obtaining weapons
- Committing an assault
- A sick or injured detainee in custody for a crime of violence will be restrained as much as is consistent with their sickness or injury.
- A sick or injured person in custody for a non-violent offense may or may not be restrained during transport based on the judgment of the transporting officer.
- Complete and detailed documentation must be made for any treatment, hospitalization, or injury as a direct result from officer interaction. This information should be included in the officer's arrest report.
- If treatment received was not related to officer involvement and was only due to an unrelated medical event, then due to Health Insurance Portability and Accountability Act (HIPAA), no medical information will be included besides where the suspect was transported.
- The SLCJ will not accept a prisoner who requires medical attention unless the prisoner has been seen and released by medical personnel.
- The hospital release paperwork will be provided to staff at the receiving agency to verify treatment.
- The above section also applies to those prisoners who have come into contact with any chemical control agent (OC Spray) or conducted energy weapon (TASER).

See Control Devices Policy 302 and Conducted Energy Weapons Guidelines Policy 303

Hospital Admissions:

Refer to the Police Hold directive if a prisoner is admitted to the hospital with pending charges from the DPD.

The removal of restraints on a subject transport to a hospital will depend upon the legal and medical circumstances and should be notated in officers' reports.

347.14 TRANSFER OF CUSTODY TO A RECEIVING AGENCY

Any time a DPD officer transfers the custody of a prisoner to another agency, officers will:

- Secure weapon(s) in accordance with procedures at the receiving facility.
- Advise the receiving agency of any potential medical or security risks.

All relevant paperwork, such as complaints, copies of Saint Louis County warrants, medical discharges and Police Holds will be left with the receiving agency.

Officers will document the receiving individual and agency's name in the officer's report.

Documentation of the individual and the agency's name would include, but is not limited to the transport of a prisoner to:

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- The SLCJ. SLCJ personnel will be responsible for booking into their facility. Removal of restraints from the detainee will be the responsibility of the SLCJ personnel, unless SLCJ request officers to assist in the removal of the restraints.
- A bordering county: If the prisoner exchange is conducted outside a detention facility, DPD officers will not remove their handcuffs from a prisoner until the receiving agency places their own restraints on the prisoner.
- A hospital for admittance: The removal of restraints on a subject transport to a hospital will depend upon the legal and medical circumstances and should be notated in officers' reports
- Any facility designated for juvenile detainees: If the juvenile is handcuffed, officers will remove the handcuffs at the request of the receiving agency.

347.15 SLCJ REQUEST DPD TRANSPORT IN-CUSTODY SUBJECT FOR MEDICAL EVALUATION

If the SLCJ personnel request the arresting officer to transport an in-custody subject to a hospital prior to booking:

- Officers may ask to discuss the matter with the SLCJ supervisor if officers disagree with the decision.
- If after speaking with the SLCJ supervisor, an officer still disagrees with the decision to transport to a hospital, the officer may request a DPD supervisor to discuss the matter with the SLCJ supervisor.
- If the SLCJ supervisor still requires the prisoner to be transported to the hospital, and the DPD supervisor does not agree, officers will complete the transport. The supervisor will document which SLCJ supervisor required the prisoner to be transported to the hospital and the circumstances in a memorandum. Officers will be certain to photograph any and all injuries, and make note if the prisoner makes any comments concerning the injury, or lack of, on the in-car camera system. The memorandum should be forwarded to the patrol Shift Lieutenant.
- If the reason for transport request is life-threatening, an ambulance should be requested for the transport.

347.16 REQUIRED DOCUMENTATION

The arresting officer will be responsible for ensuring the following steps are taken:

- For non-warrant arrests, the State of MN or City of Duluth electronic complaint(s) or electronic citation(s) will be left with the receiving agency. If an original complaint is printed, paper copies of the complaints on white paper will be left with the receiving agency.
- If warrants are located with the DPD or Saint Louis County Sheriff's Office, paper copies of the warrants will be left with the receiving agency. The original warrants will be turned in with the officer's paperwork.

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- If the warrants are not through Saint Louis County, and the original warrant is not present, SLCD will request the originating agency teletype the warrant to the receiving agency SLCJ.
- Complete all appropriate paperwork and submit in a timely manner.

CALEA 70.1.1, 70.1.2, 70.1.3, 70.1.4, 70.1.5, 70.1.6, 70.1.7, 70.1.8, 70.2.1, 70.3.1, 70.3.2, 70.4.1, 70.4.2

Crime Analysis

348.1 PURPOSE AND SCOPE

The purpose of this section is to establish a systematic method for collection and analysis of crime data and its distribution to other department divisions, other law enforcement agencies, and the public with objectives including the recognition of offense trends and patterns, the effective deployment of manpower, and the successful development of Crime Prevention Programs.

Information generated through crime analysis is integral to the successful prevention and/or suppression of criminal activity by law enforcement. It is the policy of the Duluth Police Department (DPD) to employ a Crime and Intelligence Analysis Unit (CIAU) charged with the responsibility of systematically providing concise and timely actionable intelligence information to both line and command staff. The (CIAU) shall be directed by the Deputy Chief of Investigations, Deputy Chief of Patrol and the Commander of the Lake Superior Drug and Violent Crime Task Force or their designee(s).

348.2 POLICY

This policy provides guidelines for the Duluth Police Department analysts, whose purpose is to provide actionable solutions for crime and social harm reduction, prevention, apprehension, and prosecution using systemic analytical processes that identify patterns and trends, provide actionable intelligence and analytics, develop patrol deployment and investigative strategies, assess strategic operations, disseminate information and intelligence, and provide recommendations, to the Chief of Police, as part of its role in the Department's mission of providing a safe Duluth for all.

348.3 DEFINITIONS

- (a) Crime Analysis -- A profession and process in which a set of quantitative and qualitative techniques are used to analyze data valuable to police agencies and their communities. It includes the analysis of crime and criminals, crime victims, disorder, quality of life issues, traffic issues, and internal police operations, and its results support criminal investigation and prosecution, patrol activities, crime prevention and reduction strategies, problem solving, and the evaluation of police efforts. It includes intelligence (creating actionable intelligence from the collection, compilation, evaluation, and dissemination of raw data); tactical/operational (focused on immediate criminal offenses support to assist operations in the identification, investigation, and arrest of criminal offenders); strategic (primarily focused on operation strategies and solutions to long-term, ongoing issues and concerns), or administrative (long-range data comparisons, statistics, public data requests requiring analysis, commonly provided to police administration units, City Administration, City Council, and citizen groups) analysis.
- (b) Crime & Intelligence Analyst -- An employee conducting intelligence, tactical/operational, strategic, or administrative analysis of data related to law enforcement patrol and investigations.

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- (c) Criminal Intelligence Analysis - the processing of raw data/information which has been compiled, analyzed, evaluated, and disseminated in an effort to anticipate, prevent, or monitor criminal activity about people involved in crimes, particularly repeat offenders, repeat victims, and criminal organizations and networks; the goal of which is to create actionable intelligence from raw data.

348.4 PROCEDURES

Philosophy: Analysis serves as an integral part of the police department in the patrol and investigative process through tactical, intelligence, strategic, and administrative analysis, completing complex and confidential tasks using a variety of crime-related analyses to research, analyze, prepare, and disseminate accurate, timely, and pertinent information relevant to actual and anticipated criminal activities and relationships, provide actionable intelligence, and perform technical work that furthers data-driven and intelligence-led policing methods for the development of strategic and tactical plans for addressing major crime issues in order to increase the effectiveness of patrol deployment, crime prevention/ reduction, and the apprehension/prosecution of criminal offenders.

a. Training

All Analysts will receive or already possess specialized training that will include, but is not limited to, the following topics:

1. Legality and integrity and ethics and confidentiality practices related to data accessed;
2. Procedures for insuring information collected is limited to criminal conduct and relates to activities that present a threat to the community;
3. Procedures for insuring that information collected for research purposes complies with Department of Justice human subjects data guidelines;
4. Methods for purging out-of-date or incorrect information;
5. Theoretical motivations for the inclusion of certain predicating factors;
6. Modern quantitative research methods, including research design, statistical analysis, frequency distribution, association matrices and link analysis; computer software programs, including spreadsheets, database, word processing, graphics, presentations, GIS mapping, and data mining;
7. Collect, assemble, analyze, and evaluate evidence, statistics and other pertinent information to draw logical conclusions in order to effectively solve crimes and prepare reports, graphs, charts, tables, and other visual/illustrative devices;
8. The intelligence cycle and analytical practices used in the acquisition, validation, and dissemination of criminal intelligence information and its role in the department, community, and governmental operations;
9. Creating actionable intelligence by planning/direction, collection, processing/collation, analyzing, dissemination, and reevaluation of information;
10. Interpreting maps and other geographic systems;

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11. Logical thought process, thinking analytically and creatively to address problems and provide relentless follow-up and assessment of analytics, products, and support provided;
12. Data gathering techniques using public and law enforcement databases to identify data relevant to criminal investigations;
13. Researching, gathering, organizing, evaluating and analyzing data and drawing logical conclusions;
14. Advanced techniques in computer applications and software to enter, access, process and merge a variety of data;
15. Modern policing methods and procedures related to crime prevention and crime analysis;
16. The investigative process in order to determine the data and analysis needed;
17. Record keeping principles and safeguards, records management systems, and procedures;
18. Effective report writing and presentation techniques demonstrating the proper use of English, spelling, and grammar, preparing clear and concise reports, presentations, graphs, charts, visuals, letters, and memos;
19. Effective verbal and written communication, conducting presentations before the department, various law enforcement agencies, and community stakeholders adapting materials and content to the audience;
20. Federal, state, and local laws, statutes, regulations, codes, and standards related to the area of responsibility, including City of Duluth policies, DPD Policies, Minnesota Data Practice Laws, and FBI uniform crime reporting and National Incident-Based Reporting System (NIBRS) requirements.

b. Data Sources

1. Crime and intelligence data is extracted from a variety of sources, including, but not limited to:
2. Computer Aided Dispatch (CAD) data,
3. Calls for service incidents,
4. Criminal investigations,
5. Intelligence files,
6. Law enforcement databases,
7. Criminal history files,
8. State criminal and civil court cases,
9. State arrest information,
10. Open sources records,
11. Probation and parole information,

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12. Officer information (e.g. field interviews/observations),
13. City and County managed databases,
14. County GIS records,
15. Other Law Enforcement agencies/entities,
16. Communication records,
17. Social media records,
18. Financial logs, and
19. Data obtained from data sources via search warrants, court orders, or administrative subpoenas

c. Crime Analysis Factors

The following factors serve as the basis for the analysis generated, but will not be limited to only those listed. Any factor which provides clarity and contributes to the detection of patterns or aids in the support of the criminal investigation will be utilized.

1. Frequency by Offense/Offense Category
2. Geographic factors
3. Temporal Factors
4. Victim/Target descriptors
5. Suspect descriptors
6. Transportation information
7. Communication information
8. Modus Operandi (MO) factors
9. Physical evidence information
10. Problem oriented/community policing strategies
11. Neighboring jurisdiction information
12. Outside factors

d. Collation

1. Analysts will collate data and analytical products into a logical system of information.
2. Collation methods include specialized products, spreadsheets, maps, files, databases, reports, and repositories, as needed, to store, organize, and disseminate data and products.
3. Collation centers will be maintained in such a way as to be accessible to all personnel who need access.
4. The integrity and security of these intelligence databases is the responsibility of analysts and supervisors.

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e. Analysis

1. Analysts will have an appropriate method to evaluate the reliability and validity of the information submitted and/or incorporated into the analysis process.
2. Analysts will utilize best practices techniques of analysis.

f. Evaluation

For the analysis function to be successful and effective, feedback from patrol, investigations, and administration is essential.

1. The utility and effectiveness of the analyses can be evaluated by, but not limited to:
 - i. Noted crime reduction in selected areas as a result of targeted patrol and enforcement based on analytical information.
 - ii. An increase in arrests in dealing with certain crimes related to analytical support
 - iii. Successful prediction of crime series incidents, disruption of crime patterns, and/or successful arrests of offenders of crime series
2. Analysts and supervisors will seek and obtain feedback from users of analytical support and products. Information will be reviewed and may be incorporate depending on necessity and usefulness.
3. Supervisors will solicit and communicate feedback from officers on analytical data and products provided.
4. Analysts will continue to evolve their data and products to best fit the needs of the customers, communicating changes and requesting additional feedback to changes.
5. Analyze the compatibility of departmental forms, data systems, and software programs to ensure efficient analysis and offer recommendations and guidance as appropriate.
6. In addition, provide training to department employees on systems to enable department members to perform simple crime analysis.

f. Dissemination

- (a) Internal Distribution: Information analyzed by the unit will be disseminated to appropriate units and members in a timely fashion via verbal, visual, electronic, or presentation methodologies. Information pertaining to operational, tactical, and strategic planning and evaluation should be send to command staff. Information relevant to officer and investigation levels (officer safety, warrants, arrest alerts, major calls, attempt to identify/locate, releases, unit updates, etc) will be disseminated via the Daily Bulletin which is provided in real time as well as presented at roll calls. Information relating to criminal investigations (evidence, pattern/MO/trend/geographic/forecasting analysis, intelligence, case support, etc.) will be provided directly to the case agents/units and further disseminated as appropriate for action (e.g. investigators will push information to patrol for follow-up).
- (b) External Distribution (Law Enforcement affiliation): Analytical data and products that could have relevance to another law enforcement agency or entity and their safety or investigations will be distributed via electronic, verbal, or visual methodologies ("need

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to know" basis). This data will be released in accordance with applicable federal, state, and local policies and DPD policies.

- (c) Public Distribution: Release of intelligence and analyses data and products will be made in accordance with applicable federal, state, and local and DPD policies.

CALEA 40.1.1

Line Inspections

349.1 PURPOSE AND SCOPE

It is the policy of the Duluth Police Department to conduct line inspections to ensure compliance with goals, policies, standards, and regulations. The purpose of this policy is to establish guidelines for conducting line inspections.

All organization components, facilities, equipment, property, activities, and personnel are subject to line inspections.

- Personnel—All personnel are subject to visible inspection to ensure their appearance complies with uniform and grooming standards.
- Property—Buildings, facilities, equipment, vehicles, supplies, etc. shall be examined to ensure they are in good condition, adequately maintained, and in a state of functional readiness.
- Activities—Direct and indirect observation of employee activity shall be utilized to ensure compliance with department directives, policies, and procedures.

349.2 DEFINITIONS

Line Inspection—Inspection conducted by personnel in control of the persons, facilities, procedures, or other elements being inspected. Line inspections shall be carried out by all supervisors within the chain of command; and shall be conducted by supervisory personnel who will be responsible for ensuring that any substandard conditions revealed in the inspection are corrected.

349.3 PROCEDURE

On an informal daily basis, supervisors are responsible for the inspection of their subordinate's appearance, demeanor, familiarity with department policy, and use and maintenance of equipment. This informal daily inspection is carried out through shift briefing (turnout) and direct observation.

It is also the responsibility of supervisors to see that facilities and equipment assigned to their area of responsibility are inspected on a regular basis.

Formal line inspections will be conducted by supervisors on all personnel assigned to them for evaluation purposes at least once each evaluation period to coincide with annual performance evaluations. The formal line inspection will be documented on a line inspection form and will include the following:

- Weapons inspection
- Uniform/personal inspection
- Assigned equipment inspection

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349.4 SUBSTANDARD INSPECTIONS

Any items needing repair or replacement are to be handled in a timely manner through established department procedures for equipment repair and replacement. If supervisors encounter situations in which equipment or vehicles are found to be unsafe, the equipment or vehicle will be taken out of service until repaired or replaced.

Any inspection deficiencies are documented within the line inspection form and need to be corrected as soon as practicable. The supervisor will follow-up and note the correction. Repeated infractions or failure to correct deficiencies may be cause for progressive discipline as outlined in Disciplinary Procedures.

CALEA 53.1.1

Evidence, Crime Scene

350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide personnel with guidelines and uniform procedures, which incorporate scientific methods for the collection and preservation of physical evidence. A thorough, detailed evidence collection process will ensure that:

- The integrity of the chain of custody of evidence is maintained.
- The evidence will contribute to the success of investigations.
- The evidence will facilitate the prosecution of criminal offenders.

350.2 TRAINING

All officers receive evidence handling and collection training in their initial academy and during the field training process.

350.3 ONE-SCENE RESPONSIBILITIES

The incident scene must be secured as soon as possible to prevent the contamination, disturbance, or loss of evidence.

It is the responsibility of the first officer arriving on the scene of an incident to secure the scene from all nonessential persons.

If necessary, the securing officer will request assistance from the watch commander patrol supervisor in protecting the crime scene. The watch commander or patrol supervisor will determine if an investigator and/or a Crime Scene Investigations (CSI) investigator is needed, and if so, request that the proper notification list be activated.

If the incident is a homicide, or undetermined death, the officer securing the scene will initiate a log with the name, time, and reason for all personnel who enter the scene.

The securing officer will ensure that all personnel on the scene do not disturb or touch physical evidence while waiting for the arrival of a Crime Scene Investigator. An exception to this would be in a situation where a danger exists of the evidence being lost or destroyed prior to processing by an investigator and/or a crime scene investigator or a victim needing medical attention.

In this type of situation, it is the responsibility of the securing officer, whenever possible, to secure and preserve the evidence in an appropriate manner utilizing all available means at their disposal, pursuant to procedures outlined in this section.

The securing officer will remain on the scene, until either the scene is turned over to the Major Crimes Bureau (MCB) or the CSI investigator, or they are relieved by the watch commander.

The assigned on-call investigator and the CSI investigator have the primary responsibility for processing the scene unless they are relieved by the MCB commander. They are responsible for photographing, collecting, preserving, transporting, and submitting all evidence to the Property and Evidence Unit.

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If the incident is minor in nature, evidentiary items may be collected, preserved, and inventoried by the on-scene officer(s).

If the incident is major in nature (i.e. homicide, criminal sexual assault, arson, robbery), the MCB on-call commander will be notified. It will be the responsibility of the on-call commander to assess the situation and make the determination if they will process the scene.

350.4 REQUESTING AN INVESTIGATOR AND/OR CSIU INVESTIGATOR

The watch commander may request investigative and CSIU support through the MCB commander at any incident scene, which requires photography work or the preservation or collection of physical, or trace evidence.

When requesting an investigative and CSIU support the following factors will be considered:

- (a) a suspect is in custody or a known offender is suspected and evidence may place him at the crime scene;
- (b) If it appears that there is a strong likelihood of obtaining latent fingerprints suitable for comparison or other physical evidence that may link an unknown offender(s) to the crime scene at a later date;
- (c) If there are visible footprints or tire impressions believed to have been left by the offender(s); If there is visible blood or trace evidence present.

After hours call-out procedure:

The investigative division supports the patrol division and subject to call in when needed as determined by the patrol watch commander. The patrol watch commander will make investigative support requests through the MCB or SIU Lieutenants who will facilitate investigative support.

The watch commander should convey to the on-call commander, any special equipment or support needed.

Investigator and CSUI investigator arrival on scene:

Once the assigned investigator and/or CSUI investigator arrives on the scene, the securing officer and/or reporting officer will review the crime scene and what has transpired with the responding investigator and/or CSUI investigator, including pointing out possible evidence or any items of special interest.

In all major incidents, the securing/reporting officer will remain on the scene until relieved by the MCB commander, investigator and/or CSUI investigator.

If the incident is minor in nature, upon approval by the watch commander, the reporting officer may leave the scene prior to the investigator and/or CSUI investigator arrival. The watch commander will only grant his/her approval if there is a reasonable expectation that the area(s) targeted for evidence processing will remain secure or security is not an issue. Staff availability will be a primary consideration in this decision.

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In most situations, the investigator and/or CSUI investigator may request that the securing office and/or reporting officer remain on the scene to provide assistance and/or security. This request will be made to the watch commander for approval.

The assigned CSUI investigator will cooperate with the criminal investigator and will be responsible for the following:

- (a) Forwarding supplemental reports to the MCB commander.
- (b) Making immediate notification to the assigned investigator and/or the MCB commander of any significant crime scene findings or discoveries, and
- (c) Upon request, provide a briefing to the MCB commander, detailing the results of the crime scene processing.

350.5 CSUI INVESTIGATOR EQUIPMENT

CSUI investigators will be provided with the necessary equipment and supplies in order to properly collect and preserve evidence for future judicial proceedings in an effective and timely manner. The specialty equipment maintained by CSUI investigators is that which is used for:

- (a) Latent fingerprint recovery
- (b) Photography, audio and video procedures
- (c) Crime scene diagrams and measurements, Total Station
- (d) Collection and preservation of physical evidence

It will be each CSUI investigator's responsibility to ensure that the assigned crime scene vehicle has all the supplies necessary to complete the assignments.

Periodic inventory will be made by each CSUI investigator to ensure adequate supplies are on hand.

It will be mandatory for all CSUI investigators to have their equipment available to them while on duty.

350.6 OUTSIDE AGENCY ASSISTANCE

In some cases, it might be advantageous to the department to utilize the services of an outside agency's technical support unit (i.e. Minnesota Bureau of Criminal Apprehension Evidence Technician Unit, Minnesota State Patrol). In these situations, staff availability, experience, and complexity of the crime scene will be considered.

The decision to request the services of one or more of the above agencies will be made by the MCB commander.

If an outside agency is to be utilized, a request will be made to the applicable personnel to allow our assigned CSUI investigators to assist and/or observe in the crime scene processing. This will allow for increased coordination between the involved agencies and the enhancement of skills for the participating department CSUI investigators.

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350.7 PROCESSING PROCEDURES-EVIDENCE COLLECTION

Firearms:

Officers may refrain from clearing a firearm, depending upon the relevancy of the incident and if the evidentiary integrity may be compromised by doing so. CSUI shall be responsible for the clearing of the weapon. If CSUI is not available, the weapon will be secured in an evidence gun box and turned in as evidence to be processed by CSUI.

If CSUI is not available and the weapon remains loaded, this status shall be:

- (a) Clearly identified on the exterior of the gun box and
- (b) An email shall be sent to "Police ID Processing" indicating the loaded status of the gun and request for processing.

Photography:

Photographing major crime scenes and other incidents is the responsibility of an investigator and/or CSUI investigator

Patrol officers may photograph minor incidents/crimes and accidents. Photographs of the scene should be taken prior to any items being moved, altered, or collected. Officers shall use the department issued cellphone for work related photo's. Personal cellphone usage for work related purposes is only authorized if the circumstances prevent you from accessing your work cellphone and documenting the evidence, due to the circumstances, must happen without delay.

Digital photographs are maintained in a digital format on a server. Photos are downloaded using a squad car MDC or a network computer. Personnel shall place photos in the designated location by the end of their shift.

When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in the development of actual size prints. In these situations, a second identical photograph of the item will be taken without the scale, or anything else introduced into the field of view.

In an event of a serious incident or the event has the potential to become a serious incident the watch commander and/or MCB commander may request that all photographs be recorded on the photo log sheet containing the date, time, location, subject, photographer's name, and case number.

Crime Scene Sketches:

When crime scene sketches are drawn, pursuant to the procedures outlined for the collection and preservation of evidence, they will generally contain the following information:

- (a) Relation of the scene to other buildings, geographical features and/or marks, or roads;
- (b) Address, floor or room number, as appropriate;
- (c) Location of significant features of the scene, including the victim if applicable;
- (d) Date and time of preparation;

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- (e) Name and PIN number(s) of officer(s) preparing the sketch;
- (f) Direction of North; and
- (g) Exact location of physical/recovered evidence.

Generally, the Investigator and/or CSUI investigator processing the scene will make rough sketches and measurements, including sufficient information so a final scale drawing can be made at a later time. These rough sketches will be retained in the case file.

Collection of Known Standards for Comparison:

Whenever the collection of a known standard for comparison purposes involves, belongs to, or in the possession of the suspect (i.e. hair, blood, DNA buccal swabs, fibers, fabrics, paint, glass, wood, soil, tool marks) it may be necessary to obtain a search warrant or court order prior to collection in these situations.

Latent Prints:

The lifted print generally contained on either a fingerprint lifted or fingerprint card will then be appropriately marked with the case number, latent location, address collection, and have the recovering officer's name and PIN number.

Blood and Perishable Evidence:

Perishable evidence should be packaged in paper containers and transported to the police department as soon as possible. An evidence technician or CSUI investigator should then be notified of the perishable evidence so that it can be properly dried and processed before the evidence degrades.

Collection of DNA Evidence at Crime Scenes:

Place the DNA swab back into its original packaging and then into the provided manila envelope and mark the envelope with the appropriate information pertaining to the swab. The recovering officer should seal the envelope with evidence tape and then initial and date across the seal.

Transport the manila envelope to the police station, affix an evidence tag to the envelope, and place the item into a secure evidence locker.

Collection of DNA Evidence from People-Cheek swab (buccal)

The collector should ensure that the provider of the sample has not eaten or drank anything for 20 minutes prior to the collection. Using the DNA collection kit, take the cotton tipped swab and scrub the inside of the cheek. Repeat this with the second swab on the opposite cheek. These swabs do not need pre-moistened.

Once the sample is collected, place each cotton swab into the DNA swab box provided with the kit. Place the swab stick through the pre-slotted tabs to keep the tip from touching the sides of the box. Place the DNA swab box in the provided manila envelope and mark the envelope with the appropriate information pertaining to the swab. The recovering officer should seal the envelope with evidence tape and then initial and date across the seal. Transport the manila envelope to the

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police station, affix an evidence tag to the envelope, and place the item into a secure evidence locker.

Evidence Records:

Whenever property or an item of evidentiary value is recovered, a Property Receipt shall be completed. The only exception would be photographic evidence.

A record will be made each time a transfer in custody of physical evidence takes place. A record will be maintained noting the chain of custody transfers.

Lab Analysis:

Periodically it may be necessary to submit recovered items of evidence to an accredited forensic lab. The DPD utilizes the Minnesota Bureau of Criminal Apprehension Laboratory (BCA Crime Lab) for analysis, comparison, or processing.

It will be the responsibility of the assigned case officer/investigator to determine if it is necessary to submit evidentiary items to the BCA Crime Lab with input/approval from his immediate supervisor prior to submission.

When the determination has been made to submit evidence to the BCA Crime Lab, the item(s) of evidence will be submitted/transported by an officer or investigator when practical.

Prior to any item of evidence being submitted to the BCA Crime Lab, a BCA Evidence Receipt will be completed per the BCA Crime Lab pre-log website. The evidence receipt will contain the following information: [83.2.1d]

- The printed name of the officer delivering the item(s) of evidence to the crime lab;
- The date and time of submission;
- The signature of the lab personnel receiving the evidence.

Upon submission of the evidence to the crime lab, the submitting officer will retain a copy of the evidence receipt. This receipt will then be filed in the appropriate original case file.

After the state crime lab has completed the analysis of submitted evidence and the police department has been notified that such evidence may be picked up, the retrieval officer shall sign and receive a copy of the BCA Crime Lab evidence receipt. This receipt will serve as documentation that the police department is in custody and control of such evidence.

The retrieval officer shall return the receipt and evidence to the police department. Upon arrival at the police department, the retrieval officer shall return the item to an evidence technician or note on the state lab receipt the date, time, and location (locker number or other approved location) where the property is placed awaiting resubmission to the property section.

The property technician will then submit the state lab receipt to the Records Services Unit so that it may be scanned into the case file.

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The BCA Crime Lab provides the agency with a written report on all analysis and examinations conducted.

CSUI Investigator Report:

Whenever a CSUI investigator is assigned to collect or process evidence, they will complete a supplementary report to the original case report in a timely manner. These supplemental reports shall be submitted to a MCB commander for approval. The report should include, at a minimum, the following:

- (a) Date and time of arrival at the scene
- (b) Location of the incident
- (c) Name of victim(s), if known
- (d) Name of suspect(s), if known
- (e) Actions taken at the scene, to include photographs, diagrams, measurements and a listing of physical evidence recovered
- (f) Case number
- (g) Written narrative

350.8 EVIDENCE GATHERED AT HOSPITALS

Evidence is to be gathered from the victim and/or defendant, if applicable. A property receipt will be completed and a copy left for the property owner.

- (a) Blood sample. If alcohol is to be checked, a sample should be obtained by attending nurse, lab technician, or a doctor.
- (b) Oral swab/buccal swab. The sample may be used to test for DNA, and should be collected with clean sterile cotton tipped swab and air dried before packing.
- (c) Fingernail scrapings. These should be obtained and placed in separate paper containers.
- (d) Photographs should be taken, when appropriate, of any wounds, bruises or abrasions resulting from the contact involved.
- (e) Clothing should be taken, when applicable. Each article of clothing should be placed in a separate paper sack. If the articles are wet, they should be air dried as soon as possible and plastic bags should only be used to allow for handling and transport. Wet items left in plastic will start to spoil in a short time period.
- (f) If a sexual abuse evidence kit is available, it should be used. The kit provides the materials and packaging of most of the evidence encountered and will be collected by the attending nurse (SANE) or physician.
- (g) The names of the hospital staff members who take the samples should be recorded in the officer's report, as well as the names of the person who received the samples. In this way, the chain of evidence is secure and can be demonstrated in court.

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- (h) Clothing shall be kept separated by victim and suspect and placed in the evidence lockers unless they need drying. Clothing that needs drying should be given directly to a CSUI investigator if possible. If a CSUI investigator is not available, place the clothing into an evidence locker, and send an email to Police ID Processing distribution.
- (i) Complete and detailed reports describing the nature of the evidence by the collection thereof and the chain of evidence must be completed by all officers assisting with the procedure.

350.9 SEIZURE OF COMPUTER EQUIPMENT

SEIZURE OF COMPUTER EQUIPMENT:

The following shall be established procedures for the seizure of computer equipment and other devices capable of storing data in an electronic format.

Officers should exercise extreme caution when seizing and/or examining computer equipment, cellular telephones, personal digital assistants (PDAs), thumb drives, external hard drives, and other devices capable of storing data in an electronic format so as not to cause severe damage or the loss of valuable data.

Persons who have specialized knowledge of computers and computer security should be consulted during the preparation and execution of search warrants when deemed necessary. Available resources may include employees from the following organizations or departments: Internet Crimes Against Children Task Force (ICAC), Computer Forensic Examiner and ICAC Investigator.

Officers should not rely on suspects, even when they are cooperative, for any computer-related assistance.

When computer equipment is in operation at the time of seizure, the CPU should be disconnected from the power source. This procedure will ensure that all contents stored on the hard drive remain intact. However, data cached in memory will be lost when the computer is powered down. While it may be safe to utilize the shutdown button on a Windows system, there is a possibility that the computer has been modified to run embedded scripts that alter data stored on the disk.

Before operating, computer equipment should be disconnected from the power source. Photographs and/or videotape of on-screen images should be taken.

Computers, disks, drives, and related peripherals should be considered fragile. Such equipment should be appropriately packaged, handled, and transported.

Special care must be taken to avoid exposing removable media such as hard drives, flash drives, memory cards, CDs, and DVDs to elements that could compromise the data contained on these devices. Some types of removable media may be rendered useless by exposure to static

Special care must be taken to avoid exposing removable media such as hard drives, flash drives, memory cards, CDs, and DVDs to elements that could compromise the data contained on these devices. Some types of removable media may be rendered useless by exposure to static electricity

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and physical force. These items should be packaged in anti-static packaging, paper bags, or envelopes when possible.

A person skilled in computer operation should be used to examine such equipment prior to startup.

Whenever possible, a copy of the hard drive should be made before examination. The original should then be placed in secure storage and the copy used for examination purposes.

Prior to sending the computer to auction or having it used by the department, the hard drive or other media should be wiped clean.

350.10 FIRES

Officers will request the Duluth Police Department arson investigator and/or an arson investigator from the Duluth Fire Department (DFD) and complete an Incident Report-with supplement report on fires where:

1. A death or injury occurred.
2. Officers suspect arson.
3. An explosion was involved.
4. The fire is suspicious in nature.

CALEA 83.1.1 / 83.2.1 / 83.2.2 / 83.2.3 / 83.2.4 / 83.2.5 / 83.2.6 / 83.3.1 / 83.3.2

Incident Command System

351.1 POLICY: INCIDENT COMMAND SYSTEM

A policy is established to govern the implementation of the incident command system (ICS) following the National Incident Management System (NIMS) guidelines. Department members will follow the ICS outlined in this policy to facilitate an orderly and effective response to emergencies requiring coordination with other city departments and/or outside agencies. This policy shall coincide with the City of Duluth multi-hazard emergency operations plan.

351.2 PROCEDURE: GENERAL

- (a) All critical incident planning shall be based on ICS and shall utilize the City of Duluth multi-hazard emergency operations plan.
- (b) The ICS shall employ several functions to include command, operations, planning, logistics and finance/administration. Not all functions will be needed for all incidents. If an incident involves multiple city, county or state departments, the Duluth Police Department will respond as part of the City of Duluth's multi-hazard emergency operations plan.
- (c) The size of the incident will determine the extent in which the ICS is implemented. The procedures in this policy will be subservient to the City of Duluth's multi-hazard emergency operations plan. If the incident is smaller in nature and can be handled internally or with marginal assistance from outside agencies, the Department will implement the ICS internally as established in this policy.
- (d) When the ICS is initiated, all division commanders and the Chief of Police shall be notified and may be required to respond to the incident.
- (e) Administrative Division shall ensure the following training on the Duluth Police Department's Emergency Operations Plan to include use of the Incident Command System:
 1. Annual training for all affected Department personnel.
 2. Biennial training consisting of a table top, functional or full-scale exercise to assess the Department's capabilities.
- (f) The Administrative Division shall be responsible for quarterly inspections for operational readiness of all needed equipment to respond to a critical incident. (admin Sgt)

351.3 PROCEDURE: COMMAND FUNCTION

- (a) Every employee in a critical incident may potentially be in command at some point during the response. The first arriving unit on the scene will be in command until relieved by a higher ranking officer and will transmit a brief initial radio report to communications. The highest ranking supervisor on the scene may initiate the ICS based on their evaluation of the scene. When possible, a supervisor or designee shall assume command as soon as possible and be responsible for implementing the ICS. During any change of command, the outgoing commander will briefly outline

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- operational and strategic information to the incoming commander before assuming a new role.
- (b) Based on the incident, the command function may rise to the highest level of the Department. During large incidents in which outside law enforcement agencies are involved, the command function shall be the responsibility of the Chief of Police or designee.
 - (c) During critical incidents, the command function shall have the following responsibilities:
 - 1. Evaluate the situation and if appropriate, activate the ICS.
 - 2. Establish a safe and effective area for the command post.
 - 3. Initiate the mobilization of additional personnel and make appropriate notifications.
 - 4. Obtain support from other agencies.
 - 5. Establish a unified command, if necessary.
 - 6. Identify and communicate a safe location for a staging area.
 - 7. Provide public information and maintain media relations.
 - 8. Maintain the safety of all personnel involved in the incident.
 - 9. Prepare an after action report.
 - (d) The Department's public information officer may be assigned to the command function when an incident requires the release of public information or media relations activity.
 - (e) The incident commander shall assign a safety officer to act as an independent observer of all activities for potential threats to the safety of personnel. The safety officer shall be responsible for tracking all personnel and their location during the incident. The safety officer shall report any unsafe activity to the incident commander. The incident commander will evaluate the activity and stop any action deemed too hazardous to proceed.

351.4 PROCEDURE: OPERATIONS FUNCTION

- (a) Command of the operations function shall be assigned to the Patrol Division Deputy Chief or designee.
- (b) When the ICS is implemented, the operations function shall be the responsibility of the Patrol Division. Through the Chief of Police or designee, additional department personnel shall be assigned, as needed, to supplement the operations function.
- (c) All tactical operations conducted as part of a critical incident response shall be coordinated by the operations function.
- (d) During critical incidents, the operations function shall have the following responsibilities:
 - (a) Establishing a perimeter.
 - (b) Conducting Evacuations.

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- (c) Maintaining command post and scene security.
- (d) Providing detainee transportation, processing and confinement.
- (e) Directing and controlling traffic.
- (f) Conducting post incident investigation with the assistance of the Investigation Division.

351.5 PROCEDURE: PLANNING FUNCTION

- (a) Command of the planning function shall be assigned to the Investigation Division Deputy Chief or designee.
- (b) The planning functions main responsibility is to provide a workable incident action plan. The plan should address various contingencies and provide a useable plan to the command function. The plan may provide for multiple solutions to address the situation. In the event the incident requires the use of a special weapons and tactics, assistance in the planning shall be received from the command element of the Suburban Emergency Response Team.
- (c) The planning function shall collect, evaluate and disseminate all incoming information and intelligence about the incident, the status of resources and any anticipated needs.
- (d) Administrative personnel may be assigned to the planning function based on the need for intelligence gathering.
- (e) The planning function shall participate in any continuity of operation plan (COOP) to assure the capability exists to continue essential agency functions throughout any emergency situation. The objective of a COOP may include:
 - (a) Ensure continuous performance of Department essential functions.
 - (b) Protect essential facilities and assets.
 - (c) Reduce or mitigate disruptions to operational activity. Minimize damages and losses.
 - (d) Facilitate decision-making during the emergency.
 - (e) Timely and orderly recovery from the emergency.
 - (f) Resumption of full service to the community.
- (f) At the conclusion of the incident, the planning function shall also recommend strategies to close the incident and withdraw resources.
- (g)
- (h)
- (i)
- (j)
- (k)

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351.6 PROCEDURE: LOGISTICS FUNCTION

- (a) Command of the logistics function shall be assigned to the Administrative Division Deputy Chief or designee.
- (b) The logistics function of the ICS shall be tasked with equipping responding personnel.
- (c) The logistics function shall establish a means for all responding personnel to communicate.
- (d) The logistics function shall provide any needed supplies, equipment or transportation needs for the incident.
- (e) The logistics function shall coordinate with the Urbandale Fire Department to provide needed medical support.

351.7 PROCEDURE: FINANCE/ADMINISTRATION FUNCTION

- (a) Command of the finance/administration function shall be assigned to the Administrative Deputy Chief or designee. When additional manpower is needed, administrative personnel from the Administrative Division shall be assigned to assist.
- (b) The finance/administration function of the ICS shall be responsible for documenting personnel time, procurement of additional resources and tracking all expenses.
- (c) Any liability issues or injuries resulting from the incident shall also be documented.
- (d) Any post incident cost accounting, including necessary documentation for reimbursement, shall be handled by the finance/administration function

CALEA 46.1.1, 46.1.2, 46.1.3, 46.1.4, 46.1.5, 46.1.6, 46.1.7, 46.1.8, 46.1.9

VIP Security/Police Escorts

352.1 POLICY

It is the policy of the Duluth Police Department (DPD) that the DPD will provide non-emergency police escorts as appropriate, provide security for approved VIPs and assist other agencies in their assigned security missions while approved VIPs are in the City of Duluth. Furthermore, it is the policy of the DPD that only the Chief of Police or designee shall approve VIP protection details.

352.2 DEFINITIONS

VIP: A "very important person," dignitary, famous personality, notorious person, or any other person who may potentially need special security.

VIP Security Coordinator: The DPD Lieutenant/Commander designated by the Chief of Police to coordinate the agency's protection response. This will normally be the East or West Area Commander or for smaller details the Special Event Coordinator may be assigned.

352.3 PROCEDURE

VIP Security- General Information

- (a) When requested by a local, state or federal law enforcement agency, or when necessary to serve the operational needs of the department, the DPD may assist with VIP protection.
- (b) All VIP security requests shall be routed through the office of the Chief of Police or designee.
- (c) Once a request is approved, coordination of VIP security services will be the responsibility of the assigned VIP Security Coordinator. The VIP Security Coordinator will determine appropriate staffing and equipment needs based on budget constraints, outside support, threat assessment and benefit to the community.

VIP Security Planning

- (a) Planning for a VIP protection assignment will include, at a minimum the following:
 - 1. The VIP Security Coordinator will coordinate and supervise VIP protection assignments.
 - 2. The VIP Security Coordinator will determine equipment requirements, including vehicles, both lethal and less lethal resources and any other needs for officers assigned to the detail.
 - 3. Planning of primary and secondary travel routes will be coordinated with the requesting agency and the DPD, Event Coordinator and any other assigned staff.
 - 4. If requested by the VIP Security Coordinator, threat assessment and intelligence gathering will be the responsibility of either the requesting agency, criminal analysts or other resources as needed.

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5. The VIP Security Coordinator will be responsible for coordinating support from within the agency along with partner agencies as needed.
 6. The VIP Security Coordinator will ensure that the designated trauma center and perceived threat VIP hold location has been identified. Designated pre-planned routes to the trauma center and hold location need to be identified and appropriate advanced life support units are available and on standby if needed.
 7. The VIP Security Coordinator will ensure that a communications plan for all involved agencies has been completed and is working correctly.
 8. Armed law enforcement personnel assigned to the protective detail will be identified by either a department authorized uniform or other identifier approved by the requesting agency be displayed for non-uniformed personnel.
- (b) The VIP Security Coordinator will establish coordination and communication with the designated contact person from the requesting agency.

Non-Emergency Police Escorts

- (a) Requests for non-emergency escorts of public officials, dignitaries, funerals, oversized vehicles, or other requests will be directed to the Chief of Police or designee.
- (b) If approved the Chief's designee will coordinate and oversee the police escort.
- (c) Non-emergency police escorts will be carried out in a safe manner with as little disruption to the public as possible.

CALEA 46.2.6

Event Deconfliction

353.1 PURPOSE

This policy is established to utilize event deconfliction during police investigations to increase the safety of agency personnel, prevent duplication of investigative/intelligence efforts, enhance information sharing, and case development.

353.2 PROCEDURE: GENERAL

Event/Target Deconfliction is a mechanism where specifically identified field operational activities are submitted into an approved information sharing system to determine if other law enforcement agencies are investigating the same event or target.

1. Event – A location that can be deconflicted using an address, an intersection, or latitude/longitude coordinates.
2. Target – A person, business, phone number, vehicle, or e-mail address

All information entered into a deconfliction system will be considered confidential and law enforcement sensitive. Employees shall be held accountable for, and must be able to articulate, the legitimate law enforcement purpose for the use and dissemination of submitted and received information.

Notice of a conflict shall not be considered intelligence information for distribution. Contact must be made, and approval gained, from any contributing agency in which there is a conflict prior to distribution of the information outside of the employees directly involved in the investigation.

Employees must always use necessary precautions regardless of deconfliction. Deconfliction systems are only able to deconflict received information. Other law enforcement agencies may be pursuing an investigation on the same event or target and fail to submit the information for deconfliction. Employees should also consider contacting law enforcement personnel from other agencies directly that could be investigating the same target(s).

If at any time Patrol Division personnel initiate proactive enforcement operations that are considered an event as listed in this policy, they should make reasonable efforts to contact the appropriate investigation division supervisor to deconflict the event. Exempt from deconfliction are active calls for service, misdemeanor warrant service within the City of Duluth, and situations involving exigency.

353.3 PROCEDURE: QUALIFYING EVENT AND CONTACT RESOURCES

The Duluth Police Department utilizes Mid States Organized Crime Information Center (MOCIC) RISSafe for deconflicting all investigative events including events involving drugs and narcotics. To enter an event log onto www.riss.net and complete the necessary fields or call the 24 hour back up phone line 1-800-952-5258. Provide the most accessible contact information (cell phone number, email, or land line) should RISSafe need to make notification of a conflict.

An event requiring deconfliction shall be any of the following:

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1. Preplanned search warrant
2. Preplanned serving of an arrest warrant
3. Decoy operations
4. Undercover operations
5. Buy-bust operations
6. Preplanned non-warrant investigation
7. Controlled delivery
8. Covert operations
9. Long Term Surveillance operations (Excludes casual or electronic surveillance)
10. Any other event as deemed necessary or beneficial by the primary case agent or a supervisor.

Alcohol and tobacco compliance checks are exempt from the requirements of this policy

Incidents involving exigent circumstances, where immediate law enforcement action is imperative, shall not require deconfliction.

Investigations that involve electronic surveillance or interstate criminal activity may require a level of deconfliction beyond MOCIC/RissSafe, which would necessitate the use of Federal deconfliction databases such as, but not limited to, DARTS and DICE. Investigators who need to utilize these services should contact a Special Agent or Task Force Officer assigned to the LSVOTF from the respective agencies (ATF, DEA, FBI, HSI) who manage those programs to conduct the deconfliction.

353.4 PROCEDURE: AUTHORIZED USERS AND ADMINISTRATORS

The Organized Crime Bureau Lieutenant or their designee shall be the administrator of all deconfliction systems utilized by the Department

All sworn personnel assigned to the Criminal Investigation Division as well as the administrative personnel utilized for crime analysis shall be authorized to enter events into the deconfliction systems and shall maintain active accounts to enter said information.

Investigators assigned to the Lake Superior Violent Offender Task Force (LSVOTF) may also utilize criminal analysts assigned to the task force to enter events into the deconfliction system.

Prior to use, all personnel authorized to enter events into either deconfliction system shall receive training on the proper use of the system and activate their own account and secure access.

353.5 PROCEDURE: PROCESSING CONFLICTS

Sufficient case details to alert the users and provide appropriate conflict information shall be provided; however, additional details provided on the event or target will allow the systems to work

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at its full capacity. Supplying information beyond what is required by the systems for entry shall be at the discretion of the case officer or their supervisor.

When RISSafe discovers a conflict, the submitting employee shall immediately be notified and informed of the conflict. Employees shall not be considered notified until at least one submitter has been personally notified of the conflict. Voicemail or messages left with an individual will not be considered notification. Upon receiving a voicemail, the primary or secondary submitting person shall contact the deconfliction center to officially acknowledge the notification.

When a conflict exists, the primary case agent or their supervisor shall be required to contact the other agency prior to any further operations. Information regarding a conflict shall only be distributed to those employees and supervisor involved in the event.

CALEA 46.2.8

Mental Health Crisis Data

354.1 PURPOSE

Minnesota law requires certain entities and mental health providers to supply information to law enforcement, upon proper request, to aid in safely addressing a pending mental health crisis. This policy establishes a procedures for requesting, documenting, using, retaining and safeguarding the privacy of such information.

354.2 POLICY

It is the policy of this department to encourage officers to seek and utilize information from mental health professionals, practitioners, and other care providers to aid in the safe resolution of individual crisis situations. Officers may initiate requests for this information when practicable and deemed advisable. Information obtained in response to such requests shall be documented, utilized, and retained in accordance with applicable laws and this policy.

354.3 DEFINITIONS

The following phrases and words have special meanings as used in this policy:

- A. Mental Health Crisis Data (MHCD); Data on individual clients or patients that is sought and received from community mental health centers, mental health divisions of counties and providers under contract with them, or private sector mental health providers for the purpose of safely responding to a mental health crisis.
- B. Person in Crisis (PIC): An individual who is experiencing or is suspected or reported to be experiencing a mental health crisis.
- C. Requestee: An entity or individual asked to supply Mental Health Crisis Data to a law enforcement agency.
- D. Requestor: An officer or employee of this agency who makes a request for Mental Health Crisis Data.

354.4 WHEN MHCD MAY BE SOUGHT

Provisions of the Minnesota Government Data Practices Act (Minn. Stat. § 13.46, subd. 7) and the Minnesota Health Records Act (Minn. Stat. § 144.294, subd. 2) require mental health providers and certain entities to supply information to law enforcement when a client or patient is currently involved in a mental health crisis, and disclosure of the information is necessary to protect the health and safety of that person or another. These laws use the definition of "mental health crisis" found in Minnesota Statutes, § 256B.0624, subdivision 2(j):

"Mental health crisis" is a behavioral, emotional, or psychiatric situation that, without the provision of crisis response services, would likely result in significantly reducing the recipient's levels of functioning in primary activities of daily living, in an emergency situation under section 62Q.55, or in the placement of the recipient in a more restrictive setting, including but not limited to inpatient hospitalization.

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Mental Health Crisis Data

A situation will qualify as a mental health crisis under this definition, thus enabling the agency to seek mental health data, if:

- A. The subject appears to be experiencing a behavioral, emotional, or psychiatric episode, and
- B. It would likely result in one of the following outcomes, absent the assistance of a mobile crisis provider:
 - C. The person being unable to take care of basic functions like bathing, eating, dressing, and toileting; or
 - (b) The person needing to be transported to a hospital for an emergency medical condition; or
 - (c) The person being taken into custody for a transport hold; and
- C. The information being sought is necessary to protect the health or safety of the PIC or another.

354.5 REQUESTING AND OBTAINING MHCD

Officers should adhere to the following procedures in requesting MHCD:

- A. Officers responding to a mental health crisis may request information themselves or have another officer, a dispatcher, or appropriate staff member contact requestees with information requests.
- B. Entities and individuals that are obligated to respond to requests for information include community mental health centers, mental health divisions of a county, and mental health providers including psychiatrists, psychologists, therapists, mental health professionals, mental health practitioners, and case managers.
- C. The purpose of making a request is to obtain information from a mental health provider, familiar with the PIC, about strategies for safely responding to and resolving the pending crisis. To that end, the requestee is obligated to provide a name and phone number for the PIC's psychiatrist, psychologist, therapist, mental health professional, practitioner, or case manager, if known; and strategies to address the mental health crisis.
- D. Under the law, the requestee is to provide law enforcement with the minimum information necessary to safely respond to the mental health crisis. It may be necessary and appropriate for the requestor to share information with the requestee about the dynamics and circumstances of the crisis in order to demonstrate law enforcement's need for information. Requestors should not ask for information about the PIC's diagnosis.
- E. Once obtained, MHCD may be shared with other officers and members of this agency as is reasonably necessary to safely address the crisis. The information may not be used for any other purpose.

354.6 DATA PRACTICES

The following shall apply to mental health crisis data obtained by this agency:

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Mental Health Crisis Data

- A. **What to document.** The requestor shall document their own identity, the name of the PIC, and the identity of the person (or entity, if the name of the person is not available) that supplied data in response to the request for MHCD. In addition:
 - 1. Information obtained about strategies for resolving crisis situations with the PIC, including any circumstances that call for particular approaches, should be documented.
 - 2. Any information that the requester provided about the PIC's diagnosis should not be documented.
 - 3. The officer assigned as primary on the call shall ensure that the PIC is informed that mental health data was obtained, and that this notification to the PIC is documented.
 - 4. The officer assigned as primary on the call shall complete a CAL using Case Activity Type "MHCD" and include the above elements in the comments.
- A. **How to label and store the information.** Incident reports that contain MHCD shall be labeled or flagged as such. This data may only be stored on and accessed through [city owned devices] [or] [city or personally owned and approved devices].
- B. **Private data.** MHCD is and shall be administered as private data on the person in crisis.
- C. **Accessing stored MHC** Officers and other agency personnel may access MHCD data only when their job assignment reasonably requires access to it. For a peace officer, a business need exists if it is foreseeable that the officer may be tasked in the future to respond to a mental health crisis involving the person who is the subject of the MHC
- D. **Use of MHCD.** Mental Health Crisis Data may only be used for purposes of responding to mental health crisis situations involving the individual PIC. The data may not be used for any other purpose, such as furthering a criminal investigation or in connection with a charging decision.
- E. **Retention of MHCD.** Mental Health Crisis Data shall be disposed of in such a way as to prevent its contents from being determined.

Unmanned Aerial System (UAS) Operations

355.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS (Minn. Stat. § 626.19).

355.2 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled without the possibility of direct human intervention from within or on the aircraft (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

355.3 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights, Federal Aviation Administration (FAA) regulations and other applicable law.

355.4 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or except as provided in Minn. Stat. §626.19, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

355.5 PROGRAM COORDINATOR

The program coordinator will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices. The program coordinator will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have successfully completed the required Federal Aviation Administration (FAA) Remote Pilot Certificate (Part 107) or other required training.

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- Conducting ongoing department training as required to maintain proficiency and ensure operators and required observers follow applicable laws, policies and procedures regarding the use of the UAS.
- Ensuring the protocol for submission and evaluation of requests to deploy a UAS are followed, including urgent requests made during ongoing or emerging incidents.
- Deployment of a UAS shall require authorization of the Chief or the authorized designee, depending on the type of mission.
- Following protocol when conducting criminal investigations involving a UAS, including documentation and time spent monitoring a subject.
- Ensuring public notification of UAS deployments in a manner and frequency as directed by the Chief or authorized designee.
- Developing an operational protocol governing the deployment and operation of a UAS, including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Documentation of all missions and training.
- Ensuring inspection, maintenance, and record-keeping protocol, to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Ensuring that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Ensuring retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief.
- Reviewing and approving requests for use of the department UAS by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- Posting the department policies and procedures regarding the use of UAS on the department website, as applicable (Minn. Stat. § 626.19). (Procedures will be developed and made public after coordinator and operators complete applicable training.)
- Reviewing the program and UAS for compliance with Minn. Stat. § 626.19, with special consideration to changing technology.

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- Ensuring a monthly summary of UAS deployments are publicly posted by the department and made available to the Civilian Review Board.
- Reviewing the program and UAS for compliance with Minn. Stat. §626.19, with special consideration to changing technology.

355.6 USE OF UAS

Only authorized operators who have successfully completed and passed the Federal Aviation Administration (FAA) Remote Pilot Certificate (Part 107) training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protractible privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

The UAS should not be flown over populated areas without FAA approval.

Members shall not use a UAS without a search warrant, except in accordance with Minn. Stat. §626.19 as follows:

- (a) During or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;
- (b) Over a public event where there is a heightened risk to the safety of participants or bystanders;
- (c) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;
- (d) To prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters;
- (e) To conduct a threat assessment in anticipation of a specific event;
- (f) To collect information from a public area if there is reasonable suspicion of criminal activity;
- (g) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;
- (h) Over a public area for officer training or public relations purposes; except if in proximity to a protest unless deployment is authorized by a warrant;
- (i) For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use. The request must comply with department policy and Minn. Stat. §626.19.

355.7 DOCUMENTATION REQUIRED

Each use of a UAS, excluding training, should be properly documented by providing the following (Minn. Stat. §626.19):

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- (a) A unique case number;
- (b) A factual basis for the use of a UAS; and
- (c) The applicable exception, unless a warrant was obtained.

355.8 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (Minn. Stat. § 626.19).

355.9 ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAS shall not be deployed with facial recognition or biometric-matching technology (Minn. Stat. § 626.19). If authorized by warrant, facial recognition or biometric matching technology will only be used if a specific target or individual has been identified through actionable intelligence.

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

A UAS shall not deploy with facial recognition or other biometric-matching technology unless expressly authorized by a warrant (Minn. Stat. §626.19).

355.10 RETENTION OF UAS DATA

The Records Unit Supervisor shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19). UAS data will be managed via Axon Evidence, a digital evidence management system, currently in use by the department.

355.11 REQUIRED REPORTING

In accordance with Minn. Stat. §626.19:

By January 15 of each year, the department shall report to the commissioner of public safety the following information for the preceding calendar year:

- (a) the number of times a UAS was deployed without a search warrant issued under this chapter, identifying the date of deployment and the authorized use of the UAS under subdivision 3 of Minn. Stat. §626.19; and
- (b) the total cost of the department's UAS program.

Automatic External Defibrillator (AED) Operations

356.1 PURPOSE

The purpose of this policy is to establish guidelines for the use of the Automated External Defibrillator (AED) for the Duluth Police Department.

356.2 DEFINITIONS

Automatic External Defibrillator (AED)—a portable device used to analyze the heart rhythm of a patient and administer an electrical shock during ventricular fibrillation.

Cardiopulmonary Resuscitation (CPR)—the manual application of chest compressions and ventilations to patients in cardiac arrest.

Sudden Cardiac Arrest—the sudden abrupt loss of heart functions; generally caused by a rapid, irregular rhythm of the ventricles causing the ventricles inability to pump blood to the body. A loss of consciousness and pulse will follow within seconds.

Ventricular Fibrillation—very rapid, uncoordinated, and ineffective series of contractions throughout the lower chambers of the heart. Unless stopped, these chaotic impulses prove fatal.

356.3 POLICY

When sudden cardiac arrest occurs, early defibrillation is often critical to the patient's survival. Automated External Defibrillators allow for the deliverance of life saving shocks to the patient with minimal amount of training. This policy is applicable to all members of the Duluth Police Department staff.

356.4 PROGRAM COORDINATOR

The program coordinator will be responsible for the management of the AED program which includes equipment deployment coordination. The AED coordinator or their designee will maintain a log of all Department approved/deployed AED devices to include the following:

- Serial numbers
- AED vehicle assignments

356.5 TRAINING

Officers and non-sworn staff should receive training on the Lifepak CR2 prior to the deployment of AEDs into department vehicles.

356.6 AED USE

When arriving at a scene of a medical emergency, personnel shall immediately survey the surroundings for employee and patient safety, and ensure that medical personnel are in route.

Initiate CPR if the patient is unresponsive with no breath or pulse. The AED should be used when the patient is unconscious, not breathing and no pulse signs. Exceptions to the above would be

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persons that are obviously deceased (decapitation, rigor mortis, decomposition, etc.). Note: Also consider administration of Naloxone if appropriate and follow naloxone administration protocols.

Refer to the manufacturer's directions on the operation of any AED device. Personnel should follow the AED verbal prompts and commands.

After utilizing an AED device, Department staff shall not remove the electrodes or disconnect the AED from the patient. Once emergency medical personnel arrive, they will assume responsibility for the medical care of the patient and will use the AED and electrodes in accordance with their policies and protocol.

356.7 REPORTING

After utilizing an AED device while acting in an official capacity, a supervisor shall be immediately notified and the user shall document the use of the AED accordingly (incident report at a minimum). The AED shall be taken out of service until it can be refurbished with new pads and supplies.

356.8 MAINTENANCE AND INSPECTION

Staff who are assigned AED devices shall inspect them prior to the start of their shift to ensure that the device is operative and free of any physical damage. Notify a supervisor immediately if the AED is missing from the vehicle.

If an AED device is inoperable, or the battery is in a low charge, the AED should be pulled from service. Immediately notify your supervisor and the supervisor shall and notify the AED coordinator.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

400.2 PATROL DIVISION RESPONSIBILITIES

With this Directive, the Department defines Patrol Division structure, area responsibilities, district assignments and squad numbers; establishes area and crew staffing levels, describes Military Leave, details holiday scheduling, time management and vacation and day-off selection and establishes parameters for overtime use.

400.3 POLICING AREAS DEFINED

The Patrol Division is divided into two policing areas, West and East. Each area consists of three Patrol Districts.

- West Policing Area: Districts 24, 25 and 29
- East Policing Area: Districts 26, 27 and 28

400.4 PATROL DIVISION DEPUTY CHIEF

The Department allocates one deputy chief to the Patrol Division. The Patrol Division deputy chief reports directly to the chief of police and is responsible and accountable for all personnel and police services in the Patrol Division. The Patrol Division deputy chief is charged with monitoring the efficiency and effectiveness of police services, problem solving and overseeing Compstat.

400.5 PATROL AREA COMMANDER

The Department allocates one lieutenant (area commander) to the West Policing Area and one lieutenant (area commander) to the East Policing Area. Area commanders will report directly to the Patrol Division deputy chief. Area Commanders are responsible for all assigned personnel and police services in the Policing Areas as well as overseeing the Community Policing efforts.

400.6 PATROL SHIFT LIEUTENANT

Four shift lieutenants (Station/Watch Commanders) will be assigned to four Patrol shifts (A, B, C, & D). The four shift lieutenants have a geographical assignment for supervisory purposes (West or East Areas), and are responsible for all personnel and police services on the assigned shift. Two of the shift lieutenants are assigned to the West Area commander and two shift lieutenants are assigned to the East Area commander. The West Area shift lieutenants are assigned to shifts A and B. The East Area shift lieutenants are assigned to shifts C and D.

400.6.1 COMMAND STAFF NOTIFICATIONS

The Shift Lieutenant or their designee is responsible for producing a Command Staff Notifications.

The nature of some incidents, due to being high profile, or exposing the city to liability, requires that on-scene patrol officers notify a patrol unit leader of the incident. Once notified, the unit leader

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must determine whether to assume command of the incident or delegate command to the officers already at the scene.

Incidents a patrol unit leader must be notified of, or acknowledge, are:

- Arson
- Armed robbery
- Violent death or death under unusual circumstances
- Civil disturbances
- Felony assault
- Felony level Incidents involving weapons
- Injury accidents involving on-duty police vehicles
- Kidnapping
- Officer use of deadly force
- On-duty officer injury
- Vehicle pursuit
- Labor disputes
- Sexual assault
- Unusual occurrences
- Subjects injured due to police action
- Injuries on City property
- Fatal traffic accidents
- Incidents involving significant property damage or loss
- Threats to schools or staff
- Significant incidents arising from extra-duty or non-duty employment
- Any significant off-duty behavior, incident, or injury involving a Department employee and investigated by the Duluth Police Department

Unit leaders notified of such incidents must use their own judgment on notifying command staff. Command Staff need to learn of incidents through police department channels, not when the media or City administration asks for information on the incident.

400.7 PATROL SHIFT SERGEANTS

Eight sergeants are assigned to the Patrol Division. Four shift sergeants are assigned to the West Policing Area and four shift sergeants are assigned to the East Policing Area. Shift sergeants report directly to a shift lieutenant. One of the shift sergeants on the shift will be a senior sergeant,

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squad 20 and one of the Shift Sergeants on the shift will be a junior Sergeant, squad 21. The senior Shift Sergeant is the Station Commander in the absence of higher ranking personnel on-duty. In instances when only one Shift Sergeant is working, the on-duty Shift Sergeant is the supervisor responsible for all personnel and police services on the shift.

400.8 COMMUNITY POLICING SERGEANT

Two Community Police sergeants are assigned to the patrol division and report directly to the Area commanders. The Community Policing sergeant is responsible for all problem solving and community policing operations in the respective Policing Areas (West and East). The Community Policing sergeant directly supervises Community police officers and other personnel assigned to that Area.

400.9 PATROL OFFICER

Twenty-six police officers are allocated to the West Area and thirty-two officers to the East Area.

- Fourteen officers are assigned to each patrol shift (A, B, C & D)
- Seven police officers are assigned to each of the four west patrol shifts (A, B, C, & D)
- Eight police officers are assigned to each of the four east patrol shifts (A, B, C, & D).

Four power shift officers will be deployed to augment patrol staffing during what has been shown to be predominately higher levels of calls for service through crime analysis. During the initial phase of the deployment two teams of two officers will each be assigned and will be geographically responsible for either the East or the West Areas. They will work a rotation of four days on and four days off. Their shifts will be split between the rotations of the other four patrol shifts. In other words they will work two days with the rotating shift crews and two days with the permanent shift crews. The power shift will work the same rotation of shift hours as the K-9's, January through March ten hour shifts followed by twelve hours shifts April through September. Returning to ten hour shifts for the months of October through December.

The power shift officers will be assigned to the Area Commanders and will be supervised by the appropriate Community Policing Sergeant. For operational approval needs the power shift officer will work with the on duty patrol supervisors. Power shift officers shall assist the patrol crews with 911 responses during peak times and take an active role in problem solving in their assigned areas.

Additional officers assigned to the Patrol Division:

- Three K-9 officers assigned to Shift A night commander
- One Housing and Rehabilitation Agency officer assigned to all HRA properties within the City assigned to East Area commander
- One Life Safety officer assigned to East Area commander
- One Traffic Officer assigned to West Area commander

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400.9.1 PATROL FUNCTION AND EXPECTATIONS

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Duluth, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws and respond to emergencies 24 hours per day, seven days per week.

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other division within the Department, as well other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Review and implement COMP STAT and other information to identify crime and quality of life problems, patterns and trends to prevent crimes and reduce calls for service.
- (k) Respond to calls.
- (l) The Duluth Police Department will be assisting the Bureau of Justice Assistance and the Minnesota Joint Analysis Center (MNJAC) by participating in the nationwide "SAR" initiative.
 1. The "SAR" is a partnership of agencies of all levels that provides law enforcement with another tool to combat crime and terrorism. This nationwide initiative has established a national capacity for gathering, documenting, processing, analyzing, and sharing of SARs.
 2. A SAR is used to document any reported or observed activity or any criminal act or attempted criminal act that an officer believes may reveal a nexus to foreign or domestic terrorism.

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400.10 COMMUNITY POLICE OFFICER

Community Policing Officers are engaged in problem solving and community policing services and are assigned specific beats. Community Police Officers are responsible for call reduction and community policing activities. They report to their perspective Community Police Sergeant for their assignments.

400.11 CANINE OFFICERS

Officers assigned as members of the Canine Unit are assigned to the West Policing Area Group A shift lieutenant. Canine officers will work shifts as assigned.

FLSA rules will apply to daily animal maintenance and care, and are counted as part of the Canine Officer's regular work hours.

400.12 ASSIGNMENTS AND STAFFING

400.12.1 AREA ASSIGNMENTS

Patrol District assignments are the responsibility of each of the shift lieutenants. Seniority and Department need are factors in making District assignments.

Patrol Area assignments will be re-bid every two years by seniority. Re-bidding will occur as part of the Employee Development Assessment in October of the odd-numbered years. The four shift lieutenants will be responsible for overseeing this procedure. Police management reserves the right to assign personnel where appropriate.

400.12.2 AREA SHIFT STAFFING

Area staffing levels are the responsibility of the Area commander. Staffing levels should take into consideration such variables as weather, time of year, special events, recruit officers, etc.

Recruit police officers are not factored into minimum staffing while training in the Police Field Training Officer Program. During emergencies, a recruit officer may factor into minimum staffing consideration by reviewing the recruits status and ability. A decision will be made on a case by case basis.

Unpredictable circumstances such as illness or injury may cause a staffing shortage. The police administration authorizes shift lieutenants to hire on an overtime basis to meet staffing levels. Unpredictable circumstances may constitute an emergency. Emergencies allow the shift lieutenants to hold over any/all personnel from the previous shift.

Overtime cards should include the replacement officer's name, the Policing Area and shift, and should list staffing shortages as the reason for the overtime.

400.12.3 AREA INTEGRITY

Officers are strategically assigned to six Patrol Districts throughout the City. Assignments are made to evenly distribute police resources throughout the City, encourage responsibility for problem solving within a geographical area and allow for efficient and effective police response.

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Shift lieutenants and shift sergeants are responsible for maintaining Area and District integrity and directing officer activities in the area of assignment or as assigned to address community needs or identified policing problems.

Shift lieutenants are responsible for monitoring the numbers of officers assigned to a call. Call management has an impact on public perception regarding the number of officers in one area. This includes breaks and calls for service.

400.12.4 MILITARY LEAVE

Officers belonging to a State National Guard Unit or a Federal Military Reserve Unit drill two days monthly and train two weeks annually, totaling a minimum of 38 days of military obligation.

Annually by December 1, officers with a military obligation must provide their shift lieutenant with the dates for their weekend drills and annual two week training for the following year. These dates must be entered into the Police Scheduler before vacation selection. If any officer's drill or training dates are changed by their National Guard or Reserve Unit, the officer must provide copies of those orders to their shift lieutenant as soon as possible.

Minnesota law requires employers provide an employee belonging to the National Guard or Federal Military Reserves with 15 days of paid Military Leave. Officers must use their own time off for any additional days.

Officers subject to military activation and/or deployment must notify their Patrol shift lieutenant as soon as possible. Military activation and deployment constitutes a predictable staffing shortage.

400.12.5 TIME MANAGEMENT/HOLIDAYS

For time and budget management purposes, all holidays except Memorial Day, Independence Day and Labor Day require maximum staffing on a shift (12 officers, including Canine Officers and Power Shift). Any deviation in holiday staffing needs approval from the Patrol deputy chief.

Shift lieutenants are responsible for time management of all personnel assigned to them.

400.12.6 VACATION AND DAY OFF SELECTION

For the purpose of this directive, the Work Unit is a group of police officers assigned to an Area shift. For example, West Area, Shift A.

Power Shift Officers will make time off selections with their work partner, minimum staffing will be one of the two officers working as scheduled.

Because of scheduling, holiday compensation time, and personal leave time, officers accumulate additional days off. Annually by January 1, each divisional work group must make vacation and day off selections based on seniority.

Vacation:

- 2 weeks for 1st pick
- 3rd week (if eligible) for 2nd pick

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- 4th week (if eligible) for 3rd pick

Extra Days Off:

Shift A and D will need to take off 18 days, with officers selecting 9 days off each rotation. Shifts B & C must take off 16 days, with officers selecting 8 days off each rotation. Officers have the discretion to select 1 to 4 days off during any open or available days in a four day rotation.

Shift Lieutenant Responsibilities

The shift lieutenant is responsible for managing the day off time of the assigned shift sergeants and Patrol officers and will audit officers' time quarterly to ensure accrued hours are nearest 500 per quarter.

- Time off in the months of January, February and March is required.
- No employee shall use vacation time except at such time or times as the chief may approve.
- No employee shall use any vacation, personal leave or day off time that they have not accrued.

400.12.7 PATROL DIVISION SHIFTS

Shift sergeants will begin shifts at 0500 on day shifts and 1700 on night shifts.

Police officers assigned to the Patrol Division work 8, 9, 10, and 12 hour shifts, depending upon their assignment.

A work period is defined by a 24 day work period.

400.13 PROBLEM SOLVING AND QUALITY OF LIFE IMPROVEMENTS

All department resources will be used as needed in response to the weekly analysis of COMPSTAT. It is expected area commanders and shift commanders will direct activities for problem solving. Patrol District and Area staffing may be adjusted by the area commander or shift lieutenant in response to COMPSTAT. Minimum staffing levels will not be affected. All ranks in the Patrol Division will participate in problem solving activities.

Some problem solving activities that maybe deployed:

SIMPLE: is defined as a managed police event which has specific boundaries, defined time lines and measured outcomes.

- Simples represent a shared effort among police personnel to concentrate efforts and provide a consistent response to a designated problem or to determine if a problem is occurring.

SIFA: is defined as a Self Initiated Field Activity.

Officers are responsible for problem solving and being aware of SIMPLES and SIFA's in their assigned districts. Officers will identify their efforts by using the codes SIFA/SIMPLE. Officers are

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expected to perform SIFA's during their unassigned times to develop community contacts, deter crime and provide active policing.

400.14 ADDITIONAL INFORMATION AND SQUAD NUMBERS

See the Procedural Standard of Practice Guideline for additional information and a detail listing of all squad numbers.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Duluth Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

This includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. It does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject (Minn. Stat. § 626.8471).

401.2 POLICY

The Duluth Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group (Minn. Stat. § 626.8471, Subd. 3).

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

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

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Bias-Based Policing

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 INFORMATION TO BE PROVIDED

Officers shall (Minn. Stat. § 626.8471, Subd. 3):

- (a) Introduce or identify themselves and state the reason for a contact as soon as practicable unless providing the information could compromise officer or public safety.
- (b) Attempt to answer questions the person may have regarding the contact, including relevant referrals to other agencies when appropriate.
- (c) Explain the reason for the contact if it is determined the reasonable suspicion was unfounded.
- (d) When requested, provide their name and badge number, and identify this department during routine stops.
- (e) When requested, officers should inform a member of the public of the process to file a misconduct complaint for bias-based policing against a member of the Department, and that bias-based policing complaints may be made by calling the Attorney General's office (Minn. Stat. § 626.9514).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resources used to document contact between officers and the public to ensure compliance with this policy.
 1. Supervisors should document these periodic reviews.
 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

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Bias-Based Policing

- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Each year, the Chief or their designee, shall review the efforts of the Department to prevent racial-or bias-based profiling. Preview and assessment should include Minnesota POST training mandates, Department training, national best practices, and public concerns and complaints. The report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Personnel, Training, and Licensing Unit.

The Chief of Police and supervisors should receive and review training materials prepared by the Board of Peace Officer Standards and Training (POST) (Minn. Stat. § 626.8471, Subd. 7).

Training should also include annual in-service training on recognizing and valuing community diversity and cultural differences, including implicit bias as required by Minn. Stat. § 626.8469, Subd. 1.

Major Crime Scene Responsibilities

402.1 PURPOSE AND SCOPE

Cautious and careful handling and protection of any crime scene is imperative for effective evidence collection. This is particularly important at major crime scenes where a large crime scene may exist, or where evidence is fragile or difficult to identify. This policy sets general guidelines for handling of major crime scenes.

402.2 FIRST OFFICERS AT THE SCENE

The first officers at the scene largely determine the success or failure of an investigation. Evidence which is destroyed through thoughtlessness or carelessness can never be recovered, and the task of reconstruction may become impossible.

The least number of personnel, including police officers, should be permitted into the crime scene.

(a) Priorities

1. Officers should assess any emergency medical needs, administer and summon needed aid. Except for activities related to medical aid or to preserve perishable evidence, the scene should be evacuated and controlled until a proper search is organized.
2. Photographs must be taken by the initial responding officers as soon as possible. In addition, POCSI officers should be immediately summoned in order for the photographs to be of the highest quality possible. Should anything have to be moved, take photographs prior to moving if at all possible. The items moved and their effect upon the scene must be thoroughly documented in the officer's report

(b) Control and Protection of the Scene

1. Due to the very technical nature of evidence collection the ranking CSI officer determines the boundaries and extent of the crime scene, and assumes command of the actual scene. The Department relies upon the expertise of CSI personnel who are responsible for determining what techniques will and will not be used at a scene. Investigators, or officers, needing access to the scene must coordinate their interests with the CSI lead investigator or unit leader.
2. The scene must be preserved as much as possible. Officers are stationed at the scene to secure it and to document all persons entering and leaving the scene on the crime scene log. The number of persons entering the scene must be limited as much as possible. The log of persons entering and leaving the scene becomes a part of the case file.

(c) The following information is noted in the officer's reports on the incident:

1. How the call was received (radio, telephone, citizen).
2. Time call was received and time of arrival at the scene.
3. Weather conditions.
4. Persons present at the scene.

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Major Crime Scene Responsibilities

5. Observations.
6. All actions taken by the responding officer.

402.3 OFFICER IN CHARGE

Generally the division or unit responsible for the follow-up investigation of an incident assumes command of the investigation upon arrival at the scene, after being briefed. A higher ranking officer of any Division may assume command, after being briefed. The on-scene commander must be informed that the higher ranking officer is assuming command and on-scene personnel notified, if applicable. (Policy 201)

All personnel at the scene are supervised by the officer in charge. CSI personnel control the physical crime scene. (Section 2, b of this policy)

Necessary additional personnel that are needed at the scene are requested through the Station Commander.

Crime scene investigators are supervised by the officer in charge, or through their unit leader if present at the scene. NO ONE enters the crime scene without approval of CSI personnel. The entry is noted on the crime scene log.

402.4 GENERAL CONSIDERATIONS

ALL PERSONNEL entering the crime scene must prepare a written report detailing why they were at the scene, what they did and what they observed.

All police personnel should refrain from discussing anything pertaining to the crime with unauthorized persons. The officer in charge of the scene determines what information is disseminated.

CALEA 83.1.1, 83.2.1, 83.2.2, 83.2.3, 83.2.4, 83.2.6

Tactical Response Team (TRT)

403.1 PURPOSE AND SCOPE

The Department will maintain a Tactical Response Team (TRT) to deal with exceptional situations. The team's objective is a peaceful resolution of potentially violent situations. In all instances the team will adhere to State and Federal laws, and to all department policies. Units intending to execute a search or arrest warrant must complete the Risk Assessment Matrix (see Procedural Standard of Practice Guideline) and comply with the requirement to consult with, or use TRT.

The TRT will be used when deemed necessary to serve hazardous search/arrest warrants, resolve barricaded subjects, hostage situations, dignitary protection, violent offender apprehension, and other tasks beyond the scope of patrol officers.

403.2 TEAM STRUCTURE

A lieutenant is designated as the Team Commander. The Team Commander is responsible for team selection, training, and activation. The team commander determines the team members able to function as the Team Commander in his absence.

403.2.1 TEAM SELECTION

In case of openings for this assignment, interested licensed personnel shall submit a request to their immediate supervisor, a copy of which will be forwarded to the TRT Commander and other TRT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The testing process will consist of an oral board, physical agility test, firearms proficiency test, and a team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the TRT Commander.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of TRT-related duties. The test and scoring procedure will be established by the TRT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) Firearms proficiency testing: Both handgun and rifle.
- (d) Team evaluation: Current team members will evaluate each candidate on tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to the Command Staff by the TRT Commander for final selection.

403.3 TRAINING

The TRT commander shall conduct an annual TRT training needs assessment to ensure that training is conducted within team capabilities and department policy.

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Tactical Response Team (TRT)

403.3.1 INITIAL TRAINING

TRT team operators and TRT supervisors/team leaders should not be deployed until successful completion of an approved Basic SWAT Course or its equivalent.

403.3.2 UPDATED TRAINING

Appropriate team training for the specialized TRT functions and other supporting resources should be completed on an ongoing basis.

403.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the TRT function at the organizational level. This is to ensure personnel who provide active oversight at the scene of TRT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. TRT command personnel should attend a department-approved SWAT Commander course or its equivalent.

403.3.4 TRT ONGOING TRAINING

Training shall be approved by the TRT commander. The TRT commander or TRT Team Leaders may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each TRT member shall perform a physical fitness test annually. A minimum qualifying score must be attained by each team member.
- (b) Any TRT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. At a time agreed upon by TRT leadership, the member required to qualify shall report to a team supervisor and complete the physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test upon return to regular duty.
- (d) Quarterly each TRT team member shall perform the mandatory TRT handgun and rifle qualification course. Failure to qualify will require the officer to seek remedial training from a Use of Force Coordinator approved by the TRT commander. Team members who fail to qualify will not be used in TRT operations until qualified. Failure to qualify may result in dismissal from the team.

403.3.5 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Tactical Team Commander. An agency SWAT training file shall be maintained with documentation and records of all team training.

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Tactical Response Team (TRT)

403.4 UNIFORMS, EQUIPMENT AND FIREARMS

Uniforms

- TRT should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

Equipment

- TRT should be adequately equipped to meet the specific mission(s) identified by the Department.

Firearms

- Weapons and equipment used by TRT, the specialized units and the supporting resources should be Department-issued or approved, including any modifications, additions or attachments.

403.5 TEAM ACTIVATION

A Watch Commander requiring the use of the TRT notifies the Team Commander. The Team Commander determines the appropriateness of activating a team, designates a Team Commander if he/she is not able to respond, and directs what personnel should be notified. An Everbridge page is issued by Team Commander (or someone under his/her direction) to designated personnel. If the Watch Commander is a sergeant the on-call lieutenant should be notified as soon as is practical.

403.5.1 PROCEDURE

If appropriate, the Watch Commander requesting a tactical response establishes an inner perimeter. If additional non-TRT personnel are required, the Watch Commander is responsible for acquiring additional help through the call-out of off-duty personnel, and/ or the activation of mutual aid. Prior to transferring command of the inner perimeter to the TRT Commander, the Watch Commander should advise the TRT Commander with as much of the following information as is available at the time:

- (a) The number of suspects, known weapons and resources
- (b) If the suspect is in control of hostages
- (c) If the suspect is barricaded
- (d) The type of crime involved
- (e) If the suspect has threatened or attempted suicide
- (f) The location and safe approach to the command post
- (g) The extent of any perimeter and the number of officers involved
- (h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

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Tactical Response Team (TRT)

As TRT personnel are briefed and assigned they assume responsibility of the inner perimeter. After being briefed, the on-scene TRT Commander is responsible for the inner perimeter and everything within. The Watch Commander and TRT Commander must be clear in communicating when this transfer of command has occurred. The circumstances may require non-TRT personnel being utilized on the inner perimeter. Inner perimeter personnel are briefed as to their responsibilities and remain under the direction of the TRT commander. Patrol officers released from the inner perimeter report to the command post for re-assignment. The Watch Commander is responsible for everything outside the inner perimeter. The Team Commander determines contingency planning including entry teams, arrest teams, chemical munitions etc. Investigators assigned to assist in gathering information necessary for tactical planning are under the command of the TRT Commander.

Hostage situations require the notification of crisis negotiators as soon as possible. Entry of the target location may only be undertaken under the direction of the Team Commander or in an extreme emergency when officers are confronted with circumstances justifying the use of deadly force to protect themselves or another.

403.6 INCIDENT RESOLUTION

As the incident is resolved, the Team Commander determines when the Watch Commander will resume command of all police activities. This transfer of command must be clearly communicated. These continued activities will include investigation of the incident in preparation of a prosecution. TRT personnel return to Headquarters to store equipment and to participate in a debriefing. All officers must leave reports on the incident.

CALEA 33.6.2, 46.2.1, 46.2.2, 46.2.3

Ride-Along Policy

404.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This policy provides the requirements and approval process for the Ride-Along Program.

404.1.1 ELIGIBILITY

The Duluth Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department or personnel.
- Denial by any supervisor.

404.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, and are scheduled at the convenience an discretion of the Duluth Police Department. The on-duty Watch Commander has total authority to deny or terminate a ride-along at any time.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Professional Standards Unit. The participant will complete and sign a ride-along application and waiver form.

The Professional Standards Unit will schedule a date based on availability.

If the ride-along is denied after the request has been made, a investigator will contact the applicant and advise him/her of the denial.

404.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once each year. An exception would apply to the following: chaplains, non-sworn department employees, law enforcement or criminal justice students, police explorers, police reserves, police officer's spouse or relative, and all others with approval of the Watch Commander. See Procedural Standard of Practice Guideline for this policy regarding specific length and frequency of ride-alongs.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

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Ride-Along Policy

404.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

404.2.3 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and Minnesota Court Information System check prior to approval (provided that the ride-along is not an employee of the Duluth Police Department).

404.3 OFFICER'S RESPONSIBILITIES

The officers should advise dispatch that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation. Officers shall consider the safety of the ride-along and location of the squad upon arrival. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Watch Commander.

The Professional Standards Unit is responsible for maintaining and scheduling ride-alongs.

404.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) The officer may terminate the ride-along and return the observer to their home or to the station if the ride-along interferes with the performance of any officer's duties.
- (e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (f) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Minnesota law, the following represents the policy of this department.

405.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form, which, because of its quantity, concentration, or chemical, physical or infectious characteristics may (Minn. Stat. § 116.06 Subd. 11):

- (a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and bio-hazards.

Responders should not perform tasks or use equipment absent proper training. A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material
- (b) Notify the appropriate fire department.
- (c) Provide first aid to injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (e) Contact the Minnesota Duty Officer (800-422-0798).
- (f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.

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Hazardous Material Response

- (g) An assessment should be made to determine if assistance is needed from outside agencies (Policy 352 Mutual Aid and Outside Agency Assistance).

405.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee's supervisor in a City Incident Report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

Hostages and Barricaded Subjects

406.1 PURPOSE AND SCOPE

It is the policy of the Duluth Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

406.2 FIRST RESPONDER CONSIDERATION

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.3 SUPERVISOR RESPONSIBILITY

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Tactical Response Team TRT response if appropriate and apprising the TRT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.

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- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

406.3.1 EMERGENCY COMMUNICATION

A supervisor with probable cause to believe that a person is being unlawfully confined may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a suspect (Minn. Stat. § 609.774).

406.4 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Duluth Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Duluth Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 DULUTH POLICE DEPARTMENT FACILITY

If the bomb threat is against the Duluth Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Duluth Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Duluth, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 1. No evacuation of personnel and no search for a device.
 2. Search for a device without evacuation of personnel.
 3. Evacuation of personnel without a search for a device.
 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
 - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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407.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Emergency Admission to a Treatment Facility

408.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person qualifies under the Minnesota Commitment and Treatment Act for taking the person into custody for admission to a treatment facility pursuant to Minn. Stat. § 253B.05. The detention of a person under Minn. Stat. § 253B.05 does not constitute an arrest. If an officer believes that a person falls within the provisions of Minn. Stat. § 253B.05 and requires admission to a treatment facility, he/she shall transport or arrange transportation for that person to the nearest suitable treatment facility for evaluation.

408.2 AUTHORITY OF AN OFFICER

When any person, because of mental illness, chemical dependency or public intoxication, is likely to harm him/herself or others if allowed his/her liberty, an officer may, upon probable cause, take or cause to be taken, the person to a treatment facility for 72-hour evaluation by facility staff (Minn. Stat. § 253B.05 Subd. 2(b)).

408.3 AUTHORITY

An officer, having probable cause to believe that any individual because of mental illness, chemical dependency, or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to an appropriate treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.051, Subd. 1).

The officer shall make written application for admission of the individual to an appropriate treatment facility. The application shall contain the officer's reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable.

408.3.1 TRANSPORTATION

When transporting any individual on a Minn. Stat. 253.B.05 admission, the handling officer, when practical, will call the receiving facility to communicate necessary information.

Violent patients or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. An officer should accompany a violent patient when transported by ambulance. Additionally, transporting violent patients in a patrol unit equipped with a barrier or cage is generally safer with two officers in the vehicle.

The officer will escort the patient into the facility and place that person in a designated treatment room, as directed by a staff member. The officer will brief hospital staff and complete hold documentation if appropriate.

408.3.2 RESTRAINTS

If the officer reasonably believes the patient is violent or potentially violent or that restraints are otherwise appropriate, the officer may apply appropriate restraints to the person. If reasonably

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practicable, the officer should communicate with facility staff as to whether specific restraints, if available, should be used. If a patient is to be transferred from one facility to another and specific restraints are desired, the officer should permit their application by staff and may assist in physical control of the patient, if needed.

408.3.3 WRITTEN DOCUMENTATION

The officer will complete an application for admission and provide it to the staff member assigned to that patient. The officer will retain a copy of the application for the emergency admission form for inclusion in the case report.

Officers shall provide an application for admission in writing, including the circumstances under which the person's condition was called to the attention of the officer, the circumstances under which the person was taken into custody, and describing probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person may be informed that he/she may be liable in a criminal and/or civil action for intentionally giving a statement which he/she knew to be false.

If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information of those individuals to the extent practicable.

A copy of the statement shall be made available to the person taken into custody (Minn. Stat. § 253B.05 Subd. 2 (a)).

The officer shall also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

408.3.4 SECURING OF WEAPONS

If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility.

408.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When reasonably practicable, any person charged with a crime who also appears to be mentally ill may be transported to the authorized facility for evaluation. Arrangements should be made to take the person into custody upon release from the facility. In some cases it may be necessary to post an officer to guard the individual and to ensure that he/she is taken into custody. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

408.5 SEIZURE OF WEAPONS

Officers investigating a crime involving a person who appears to be mentally ill and who have probable cause to believe the incident under investigation involved weapons should, when lawfully

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possible, seize all weapons used in the crime. The purpose of this is twofold, to preserve evidence and also to safeguard the welfare of the people involved.

408.5.1 RETURN OF FIREARMS AND WEAPONS

- (a) Whenever the handling officer has cause to believe that the future return of any weapon(s) taken into custody might endanger the person or others, the officer shall detail those facts and circumstances in a report.
- (b) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and satisfactory evidence of ownership, or authorization by the owner is established.
- (c) A firearm may not be released until it has been verified that the person receiving the weapon, who may or may not be its owner, is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or Minn. Stat. § 624.713 Subd. 1.
- (d) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearm or other deadly weapon longer than 30 days after written notice by the city to such owner to appear and present proof of his or her ownership. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal pursuant to Minn. Stat. 345.15.

CALEA 41.2.7

Cite and Release Policy

409.1 PURPOSE AND SCOPE

Minn. R. Crim. P. 6.01 Subd. 1 directs law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions.

409.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Minn. R. Crim. P. 6.01 Subd. 1. Release by citation for misdemeanor offenses can be accomplished by issuing a notice to appear from a citation book or an electronic device.

409.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the City, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

409.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with the law.

409.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Minn. R. Crim. P. 6.01 Subd. 1 (1) (a)).

Officers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense whenever appropriate.

409.3.2 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Minn. R. Crim. P. 6.01 Subd. 1):

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- (a) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (b) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking sheet and a supervisor shall be advised of the arrest.

409.3.3 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in this policy, the arresting officer shall state specifically on the booking sheet the reason for non-release. Such reasons for non-release may include:

- (a) Previous failure to appear is on record.
- (b) The person lacks ties to the area, such as a residence, job or family.
- (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

409.4 CHILD CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and local misdemeanor ordinance violations.

All misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the appropriate unit for further investigation or forwarded to the prosecutor.

Rapid Response and Deployment

410.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

410.2 POLICY

The Duluth Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

410.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety or should shelter in place
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

410.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

410.5 PLANNING

The Patrol Deputy Chief should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.
- (k) Communication with the public or other entities as needed.

410.6 TRAINING

The Personnel, Training, and Licensing Lieutenant should include rapid response to critical incidents in the training plan. This training should address:

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- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

410.7 ANNUAL REVIEW

Annually this policy will be reviewed to determine any operational changes and training needs and documented each year.

CALEA 46.1.10

Crisis Negotiation Team

411.1 PURPOSE AND SCOPE

The Department will maintain a Crisis Negotiation Team (CNT) that works in parallel with the Department's Tactical Response Team (TRT). The CNT may deploy independently from the TRT and vice versa. The team specializes in communication with barricaded subjects, suicidal subjects, and subjects experiencing a crisis that may require the specialized skills possessed by the CNT, in order to bring the subject's crisis to a safe and peaceful resolution. In all instances, the team will adhere to State and Federal laws, and to all Department policies.

411.2 TEAM STRUCTURE

A lieutenant is designated as the Team Commander. The CNT Commander reports to the Deputy Chief of the Patrol Division. A Sergeant is designated as the Assistant Team Commander. The Team Commander is responsible for team selection, training, and activation.

The Team Commanders may designate team leaders, as necessary, for that particular operation.

411.3 SECTION TITLE

In case of openings for this assignment, interested licensed personnel who are off probation shall submit a request to their immediate supervisor, a copy of which will be forwarded to the CNT Commander. Applicants shall demonstrate effective communication and interviewing skills and possess a high level of emotional and professional maturity, as well as a history of good decision making and ability to work well on a team. Those qualifying applicants will then be invited to participate in an interview process consisting of an oral interview conducted by the Commander and/or their designees. The Commander will meet with current team members for team input on the applicants work product and history. Applicants that successfully pass the interview process will be submitted to the Deputy Chief of Patrol for final selection.

A licensed social worker, or other non-sworn mental health worker approved by the Team Commander, may be a member of the team. These non-sworn members shall attend similar crisis negotiation training as sworn peace officer members.

411.4 INITIAL TRAINING

CNT members should not be deployed until successful completion of a basic crisis negotiation course approved by the Team Commander. Basic crisis negotiation courses are typically 3 – 5 days in length.

411.5 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the CNT function at the organizational level. This is to ensure personnel who provide active oversight at the scene of CNT operations understand the purpose and capabilities of the team.

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411.6 CNT ONGOING TRAINING

Training shall be coordinated by the CNT commanders. The CNT commander may conduct monthly training exercises that may include a review and critique of members and their performance in the exercise, in addition to specialized training. Failure to attend an adequate number of monthly trainings may result in dismissal from the team.

Requests to be absent from CNT training shall be communicated to Team Commander. Being that CNT is not a full-time position, CNT members' daily shift supervisors shall make every effort to excuse members to attend CNT monthly training and callouts.

411.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the CNT Team Commanders. Such documentation shall be maintained in each member's individual training file. A separate agency CNT training file shall be maintained with documentation and records of all team training.

411.8 TEAM ACTIVATION

A watch commander requiring the use of the CNT notifies the CNT Commander. The Team Commander determines the appropriateness of activating a team, designates a Team Commander if they are not going to respond, and directs what personnel should be notified and deployed.

An Ever Bridge page is issued by the CNT commander, or designee. Other appropriate notifications means, such as group texts, may be utilized. The CNT commander shall notify the Deputy Chief of Patrol when the team is activated. Team members shall respond to the Public Safety Building (PSB) unless otherwise directed. If the watch commander is a sergeant, the on-call lieutenant should be notified of the CNT activation as soon as is practical.

Operating the CNT with less than 3 members is highly discouraged, as negotiations occur in a team-based manner and are labor intensive. It may be necessary to ask neighboring law enforcement agencies for CNT mutual aid. Superior PD and St. Louis County both maintain CNTs. It may be necessary to request mutual aid for specialized equipment.

411.9 PROCEDURE

The CNT shall deploy to the scene after coordination with the Team Commander and on-scene patrol supervisors (Sgt or LT). They should also coordinate their deployment with TRT if that team is deploying. CNT shall not begin negotiation with the subject until they have coordinated with the on-scene supervisor and/or the on-scene TRT commander. CNT and TRT shall work as one team to peacefully resolve the crisis.

CNT members shall not enter the TRT inner perimeter without prior coordination with TRT supervisors/team leaders.

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Crisis Negotiation Team

411.10 INCIDENT RESOLUTION

As the incident is resolved, the team commander and watch commander determine when the team commander will return HQ and when the watch commander will resume command of all police activities. This transfer of command must be clearly communicated. CNT members return to HQ to store equipment and participate in a team debriefing as soon as practical.

The Team Commander or designee will complete an incident summary.

Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction to members of the Duluth Police Department when investigating crimes where a suspect is in violation of federal immigration laws.

412.2 POLICY

It is the policy of the Duluth Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of national origin or immigration status.

The Duluth Police Department does not investigate federal immigration violations. The Duluth Police Department defers immigration enforcement responsibilities to federal immigration officers authorized to enforce both civil and criminal immigration violations.

412.3 ACCEPTABLE IDENTIFICATION DOCUMENTATION

In the course of attempting to ascertain the identity of an individual pursuant to a legitimate law enforcement purpose, Duluth Police shall not, except as set forth in paragraph 412.5, request any documentation of citizenship or immigration status if the individual has other reliable means of identification. Unless applicable state law or non-immigration-related federal law require an individual to carry a specific form of identification, reliable means of identification include, but are not limited to, a driver's license, a state identification, a tribal identification, or a United States or foreign passport. Further, successful identification through any law enforcement database by means of a name, date of birth, or other information provided by the individual shall be considered reliable. Duluth Police shall not require more than one reliable means of identification unless the circumstances indicate that the individual has provided false documentation or information.

Nothing in this policy shall be construed to prohibit Duluth Police from utilizing discretion to determine whether an individual without reliable means of identification has been properly identified. Additionally, if an individual does not have a reliable means of identification and the circumstances indicate that investigation and identification of the individual can be continued without further detention, Duluth Police may immediately release the individual.

412.4 VICTIMS AND WITNESSES

The Duluth Police Department is a victim centered organization. We encourage crime reporting and cooperation in the investigation of all criminal activity. Individuals, regardless of their immigration status, must feel secure in contacting members of law enforcement. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Minnesota Constitutions, and shall not inquire into immigration status except as set forth in section 412.5, below. If language barriers exist, contact the communication center or the watch

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commander for interpreter services. If a victim or witness requests assistance with immigration status, see 412.7. For acceptable proof of identification, see 412.3.

412.5 ENFORCEMENT

Duluth Police shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of federal immigration law, or where required by state or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

Duluth Police are not authorized to arrest, detain, or continue the detention of any individual, for any length of time, based on a violation of federal immigration law, or pursuant to an immigration detainer, hold request, administrative warrant, or any other administrative document issued by Immigration and Customs Enforcement or U.S. Customs and Border Protection.

412.6 IMMIGRATION STATUS

If an officer is verifying a suspect's immigration status for a legitimate law enforcement purpose that is unrelated to the enforcement of federal immigration law, immigration status may be determined through the following sources, in the following order:

- (a) Documentation produced by the individual under investigation
- (b) U.S. Customs and Border Protection (CBP)
- (c) Immigration and Customs Enforcement (ICE) (1-866-DHS-2-ICE)

412.7 INFORMATION SHARING

Under 8 U.S.C. § 1373 and 8 U.S.C. § 1644, federal law prohibits City officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status with any Federal, State, or local government entity. Nothing in these policies is intended to violate 8 U.S.C. § 1373 or 8 U.S.C. § 1644.

412.8 U VISA AND T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Major Crimes Unit supervisor assigned to oversee the handling of any related case. The Major Crimes Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

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- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

412.9 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

CALEA 1.1.4

Aircraft Accidents

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

413.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

413.2 POLICY

It is the policy of the Duluth Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

413.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

413.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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413.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

413.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

413.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

413.8 DOCUMENTATION

All aircraft accidents occurring within the City of Duluth shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of DPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

413.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

413.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

413.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Detentions, Interviews, Interrogations and Photographing Detainees

414.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to his/her at the time of the detention.

414.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MVR) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

414.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is engaged in or is about to engage a criminal act.

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- (b) The actions of the suspect suggest that he/she is engaged or is about to engage in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.
- (i) Physical description or clothing worn that matches a suspect in a recent crime.

414.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals is encouraged by the Duluth Police Department to strengthen our community involvement, community awareness and problem identification.

414.3.2 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place where the detention was first effected unless the detainee is arrested.

414.3.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When reasonably feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

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- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if reasonably available, prior to transport.

415.3.4 INTERVIEWS

An interview is the questioning of a person who is believed to possess knowledge of official interest to the officer or investigator.

- (a) Following an interview, a report shall be made as soon as possible by the interviewing officer detailing the results of the interview.
- (b) Any person subject to an interview by the Duluth Police Department shall be afforded all the protections guaranteed by the Constitution of the United States.

415.3.5 INTERROGATION

An interrogation is the questioning of persons suspected of direct or indirect involvement in a crime. The purpose of an interrogation is to obtain information which will further the investigation.

- (a) Following an interrogation, a report shall be made as soon as possible by the interrogating officer detailing the contents of the interrogation.
- (b) Any person subject to an interrogation by the Duluth Police Department shall be afforded all the protections guaranteed by the Constitution of the United States.

414.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

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Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search. When reasonably possible, pat-down searches should be performed by officers of the same gender as the subject.

414.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

414.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

414.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

414.6 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before taking each photograph. Field photographs shall be classified as law enforcement data under Minn. Stat. § 13.82, and shall be collected, maintained and disseminated consistent with the Minnesota Government Data Practices Act.

414.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the assigned patrol supervisor with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

414.7.1 PURGING THE FIELD PHOTO FILE

The Records Manager will be responsible for ensuring that photographs maintained by the Records Bureau that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed unless a longer period of retention is required by the Department records retention schedule. No record may be destroyed unless done in compliance with such a schedule unless ordered by a court or pursuant to other applicable statute. Photographs that continue to serve a law enforcement purpose may be retained longer than one

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year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be governed by the Minnesota Government Data Practices Act.

414.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this department during any contact other than an arrest and requests to view non-confidential data shall be shown the data immediately if possible, or within 10 days of the date of the oral or written request, excluding Saturdays, Sundays and legal holidays. No charge may be assessed for display of the data, and if desired the person shall be informed of the content and meaning of that data (Minn. Stat. § 13.04 Subd. 3). The request to view the photograph/FI data shall be directed to the office of the Chief of Police, who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.

414.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or designee will permit the individual to appear in person. Any minor should be accompanied by a parent or legal guardian for a review of the status of the photograph/FI unless the minor has made a request that the photograph/FI not be reviewed by the parent or guardian pursuant to Minn. R. 1205.0500.

Such a meeting will be scheduled during regular business hours no longer than 10 days of the receipt of the request.

A meeting for the review of the status of any non-arrest photograph/FI is simply an informal opportunity for the individual to meet to review the data.

414.9 PHOTOGRAPHS OF JUVENILES

All photographs of juveniles shall be obtained and managed as allowed under M.S.S. 260B.171 Subd. 5.

414.10 CONSTITUTIONAL REQUIREMENTS

In order to protect the constitutional rights of persons involved in criminal interrogations, the following guidelines will be followed:

- (a) Persons involved in a criminal interrogation will be treated fairly and be extended all rights guaranteed by the United States Constitution.
- (b) Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement.
- (c) Prior to interrogating a suspect, whenever they are in custody or are otherwise deprived of freedom, the officer must first advise the suspect of their Miranda rights by giving them their Miranda warning.
- (d) Right to Counsel - An individual involved in a custodial criminal interrogation will be afforded all their rights as it pertains to a request for legal counsel.

CALEA 1.2.3

Field Training Officer Program

415.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Duluth Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

Field training and evaluations are a logical extension of the department's overall applicant screening process. It is designed to facilitate on-the-job observations and performance assessments. The program is designed to provide a job-related, post Recruit Training evaluation of the probationary law enforcement officer's performance utilizing a standardized and systematic approach to job/task performance documentation. Specific documentation of performance serves as the criteria for improvement, retention, or termination of the probationary officer.

414.1.1 DEFINITIONS

Recruit Officer: A police officer who is in Recruit Training.

Probationary Officer: A police officer in their first year of employment who has completed the Recruit Training process, and has moved into the Field Training process. Probationary Officers shall be assigned to the Patrol Division unless otherwise ordered by the Chief of Police. Each Probationary Officer who is assigned to the Patrol Division shall be placed in a field training and evaluation assignment under the direct supervision of the assigned patrol group Lieutenant. Probationary Officers will train with FTOs for a minimum of four phases, with each phase consisting of at least fourteen shifts. Each Probationary Officer will be issued a Field Training manual. This manual will contain an overview of the training program, as well as the duties and responsibilities of the Probationary Officer. The manual will serve as a guide for evaluation process, as well as an outline of the training checklists. Care of this manual will be the sole responsibility of the Probationary Officer during the training period.

Probationary Period: A newly hired police officer's probationary period will end six months after "solo patrol" begins or one year from hire date, whichever is longer.

Field Training Officer: A Field Training Officer is an experienced officer trained in the art of supervising, training, and evaluating Probationary Officers during field training. The primary role of a Field Training Officer is to be a first line supervisor, trainer, and evaluator of a Probationary Officer. Field Training Officers must complete an approved Field Training school, prior to any training of a Probationary Officer. Training will be an ongoing basis, and will include, but not limited to, updates on criminal procedure, search and seizure, and teaching techniques.

Field Training Supervisor: The Field Training Supervisors will include respective patrol group Lieutenants and Sergeants, and are responsible for the daily coordination of training and assignment of Recruit Officers throughout the field training period on their assigned crews. The Field Training Supervisors

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have the dual responsibility of shift supervisor and the training and evaluation of Probationary Officers assigned to their crew. Field Training Supervisors will monitor the overall training of Probationary Officers assigned to their crew to ensure standards are being met and documentation is being completed. The Field Training Supervisors will complete weekly and monthly evaluations, and forward said evaluations to the FTO coordinator.

Field Training Coordinator: Directly responsible for the overall control and operation of the Field Training Program. Duties shall include the following:

1. Work closely with the Field Training Supervisors (assigned at shift level) of Probationary Officers during and after the completion of field training to determine and correct any training deficiencies.
2. Monitor and evaluate the overall development of Probationary Officers during the probationary period for purposes of ascertaining any deficiencies and resolving them through training.
3. Monitor the progress of recruit officers in Recruit Training prior to field training.

415.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry-level and lateral police officers in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of two years of patrol experience.
- (c) Demonstrated ability as a positive role model.
- (d) Recommended by a supervisor.

415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Coordinator will be selected by the Patrol Deputy Chief or thier designee.

The responsibilities of the FTO Coordinator include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.

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- (i) Develop ongoing training for FTOs.
- (j) Update the Chief and Deputy Chiefs on all FTO progress of new recruits every two weeks.

415.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Duluth Police Department who possesses a Minnesota POST license or is eligible to be licensed.

415.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of sixteen weeks, unless the recruit has been accelerated in any one phase.

415.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Duluth Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

415.6 EVALUATIONS

The Probationary Officer evaluation process will consist of the following:

1. Daily Observation Report
2. Weekly Observation Report (Recruit/FTO/Sergeant)
3. Field Training Status report

The Probationary Officer's field training and evaluation period may be extended upon the recommendation of the Field Training Supervisor(s), along with the Field Training Coordinator.

The program provides on-the-job, post Recruit Training instruction via Field Training Officers (FTOs) serving as mentors/role models for probationary officers to expedite the application of knowledge, skills, and abilities in concert with department and community expectations for quality law enforcement service. The uniformity of the field training process assists in bringing the probationer up to speed to certify for solo patrol operations.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Completing and submitting a written evaluation on the performance of the assigned trainee to the trainee's immediate supervisor on a daily basis.
- (b) Reviewing the Daily Trainee Performance Evaluations with the trainee each day.

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- (c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.
- (d) Signing off all completed competencies contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

Field Training evaluations:

All daily observation and weekly observation reports, and field training status reports should be forwarded to the Field Training Coordinator for record retention in the designated "Training" file

415.6.2 IMMEDIATE SUPERVISOR

The patrol sergeant shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Coordinator.

415.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Coordinator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate patrol sergeant.

The Field Training Coordinator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Coordinator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forward to the Chief of Police for review and approval.

Establishing an improved in-service retraining process:

Field training and evaluation provides a process to administer retraining and orientation to sworn personnel returning to Patrol Operations after extended absences or non-uniform patrol service assignments.

Sworn personnel who have been absent from Patrol duties for a period of 365 calendar days or more will be assigned with an FTO in order to execute/complete a comprehensive patrol reorientation process.

During the time such sworn officers are assigned with an FTO, they will not be subject to the evaluation process required of a probationary officer in training. The FTO's function is to familiarize the officer with updated policy/procedures, executive orders, reporting forms/protocols, and to insure that returning personnel meet all Department qualifications standards in specific skill areas (use of force, firearms, patrol vehicle operations, etc).

415.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a critique of the Field Training Program.

415.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

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- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training and has been certified for solo patrol. This certificate will be signed by the patrol sergeants and lieutenant.

CALEA 33.4.3

Criminal Organizations

416.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Duluth Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

416.2 POLICY

The Duluth Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

416.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

416.3.1 CRIMINAL GANG IDENTIFICATION CRITERIA

The gang affiliation of an individual is assessed based on involvement in criminal activity and documentation of any of these nine indicators. A single fact may not be used to satisfy multiple criteria. A "gang member" is an individual who is 14 years of age or older and meets at least three of the nine criteria listed below. A "confirmed gang member" is a gang member who has been adjudicated or convicted of a crime of violence as defined in Minnesota Statutes § 624.712, subdivision 5.

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1. Admits Gang Membership

- Admission must be documented with date of admission and name of officer or investigator who heard the admission in a police report, corrections report, field contact memo, or recorded statement.
- A vague admission about membership, for example, "I hang with the ** (gang name) **," should be clarified, and the precise admission documented.

2. Arrested with a Gang Member

- Individual is arrested with a gang member for an offense consistent with gang-related criminal activity.
- Arrests must be documented in a police report, corrections report or field contact memo and include the date, time, and location of the arrest.

3. Displays a Gang Tattoo or Brand

- Tattoos and brands must be photographed or described in detail, using factual, non-subjective language. For example: "6 Pointed Star obtained 6 months ago" is a good description; "*** (gang name) ** Star" is not.
- To be considered a "gang tattoo" or "gang brand," the gang-related nature of the tattoo or brand must be confirmed by an officer or investigator with adequate training and experience.

4. Wears Clothing or Symbols Intended to Identify with a Gang

- Suspected gang symbols and clothing worn or possessed must be evaluated in the context of how they are worn or the location they are recovered.
- Clothing, jewelry or items with suspected gang symbols or gang-related monikers should be photographed and, if possible, property inventoried.
- When items cannot be photographed or inventoried, the gang-related items should be described in detail using factual, non-subjective language.
- Many symbols have multiple meanings and may not be a gang symbol to everyone. The gang-related nature of the clothing or symbols must be confirmed by an officer or investigator with adequate training and experience.

5. Appears in a Photograph or Image with a Gang Member Engaging in Gang-Related Activity or Displaying Gang Signs or Symbols

- Photographs or images should depict evidence of gang-related criminal activity, such as a person holding a gun and wearing or displaying gang-related signs, symbols, clothing or graffiti.
- A single photograph or image with a gang member, absent any depiction of criminal gang-related activity or displaying gang-related signs, symbols, clothing or graffiti, may

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count only as one of three documented occasions of association in the previous 12-month period under criterion #8.

- Photographs or images recovered from or depicting gang members obtained by consent or during a lawful search should be inventoried or otherwise preserved and the chain of custody maintained.
- Images from social networking sites or other on-line sources should be downloaded and identified with the name of the person who posted it (if known), the date of posting (if known) and the URL of the site.
- The gang-related nature of the clothing or symbols must be confirmed by an officer or investigator with adequate training and experience.

6. Name Appears On a Gang Roster

- Gang rosters on any media, including on clothing or in graffiti, should be photographed, properly preserved, and, if possible, property inventoried.
- There must be sufficient documented information matching the name with a specific individual before this can be counted as a criterion.
- Graffiti containing threats against an individual should be photographed or described in detail.
- A list of suspected gang members generated by a law enforcement agency is NOT a gang roster.

7. Identified as a Gang Member by a Reliable Source

- Is identified as a gang member by a person with sufficient knowledge of gang activity to qualify him/her as a reliable source.
- Reliable sources must have a demonstrable basis for their knowledge; rumor and speculation are insufficient.
- Reliable sources may include persons of authority or those with a personal connection to the individual. Examples include Police Officers, Corrections Officers, Teachers, Family Members, Other Gang Members, and Informants.
- Reliable source information must be documented in a police report, corrections report or field contact memo. A reliable source may be called upon to testify about his/her knowledge of an individual's gang involvement.

8. Regularly Observed or Communicates with a Gang Member in Furtherance or Support of Gang-Related Activity

- Family interactions are not considered to be gang related unless there is criminal activity involved.

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- Interactions must be voluntary and related to gang activity. For example, a person associating with a gang member because both work at the same location, absent gang-related activity between the two, does not meet this criterion.
- Observations must be documented in a police report, corrections report or field contact memo and include the date, time, and location of the interactions.
- A minimum of three documented observations of gang-related interaction in the previous 12-month period is needed to meet the "regularly observed with" portion of this criterion.
- Correspondence or other communication between gang members, especially to and from prisoners, frequently contains references to other gang members and criminal and gang-related activity. They should be documented and, if possible, property inventoried.
- Messages and/or on-line conversations about criminal or gang-related activity on social networking sites should be downloaded or otherwise electronically preserved.

9. Produces Gang-Specific Writing or Graffiti in Furtherance or Support of Gang-Related Activity

- Graffiti should be described in detail using factual, non-subjective language. Example: "132 SGC painted on wall" is a good description; "*** (gang name) ** graffiti painted on wall" is not.
- Graffiti and gang-specific writings found on walls, notebooks or other items should be photographed or described in detail in a police report, corrections report or other documentation and, if possible, should be property inventoried.
- The gang-related nature of the writings or graffiti must be confirmed by an officer or investigator with adequate training and experience.

An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

416.3.2 SYSTEM ENTRIES

It is the designated supervisor's responsibility or the supervisor's designee to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Intelligence Unit. Any supporting documentation for an entry shall be retained by the Records Bureau or Intelligence Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

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416.3.3 ENTRIES INTO CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the designated supervisor's responsibility or supervisor's designee to approve the entry of any information into the criminal gang investigative data system maintained by the Minnesota Bureau of Criminal Apprehension and authorized by Minn. Stat. § 299C.091. Entries may be made if the individual is 14 years of age or older and the Department documents the following:

- (a) The Department has reasonable suspicion to believe that the individual has met at least three of the criteria or identifying characteristics of gang membership, developed by the Violent Crime Coordinating Council. The entry can be sent to the Bureau of Criminal Apprehension criminal gang investigative data system and a copy is retained in Intelligence Unit records until the purge date.

416.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor or their designee responsible for consideration of CIS entries.

416.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Financial Crimes Unit, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

416.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

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The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

416.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Personnel, Training, and Licensing Lieutenant to train members to identify information that may be particularly relevant for inclusion.

416.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

416.7 CRIMINAL STREET GANGS

The Organized Crime Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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416.8 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the street gang participant's file, such information shall be provided by the unit supervisor unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation. Employees must strictly comply with the procedures governing release of information from a Department-approved gang intelligence database.

416.8.1 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION

When the parent or guardian of a juvenile who is documented as a criminal gang member submits a written request challenging the accuracy of the information contained within that file, the Chief of Police or designee shall review the information contained within the file. If, after conducting a review of the information it is determined the information is not accurate, all records shall be destroyed.

416.8.2 NOTIFICATION OF PARENT/GUARDIAN OF A JUVENILE

The Organized Crime Bureau Lieutenant shall notify the parent or guardian of any juvenile who is suspected of participating in criminal gang activities.

416.9 TRAINING

The Personnel, Training, and Licensing Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.
- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Watch Commanders

417.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

417.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.

Body Worn Cameras

418.1 PURPOSE AND SCOPE

The Duluth Police Department has equipped law enforcement operators and civilian personnel with Body Worn Camera (BWC) systems. The purpose of this policy is to provide guidelines for the use, management, access, storage, retrieval and retention of audio-visual media recorded by BWC systems as prescribed by law.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the BWC system to transmit or store audio-visual signals.

Body Worn Camera (BWC) - A device worn by an LEO that is capable of both video and audio recordings of the LEO's activities and interactions with others or collecting digital multimedia evidence as part of an investigation as provided in Minn. Stat. 13.825.

Law Enforcement Operator (LEO) - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the Duluth Police Department who is authorized and assigned to operate BWC equipment.

MGDPA - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

PODPA – The Peace Officer Discipline Procedures Act, Minnesota Statutes Section 626.89.

Property and Evidence Technician - Personnel certified or trained in receiving and storing evidence and property, maintaining property inventory reports with proper "chain of custody" notations and any and all actions associated with the property or evidence.

BWC Administrator – Typically a Sergeant or a designee, who assigns, tracks and maintains BWC equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor.

BWC Technician - Personnel certified or trained in the operational use and repair of BWCs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Recorded media – Audio-visual signals that are recorded or stored.

Records Retention Schedule - Refers to the General Records Retention Schedule for Minnesota Cities.

418.2 POLICY

It is the goal of the Duluth Police Department to use mobile video recording (BWC) technology to more effectively fulfill the department's mission and to ensure these systems are used securely, efficiently and in compliance with the law.

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Body Worn Cameras

418.3 MVR OPERATIONAL OBJECTIVES

The Duluth Police Department has adopted the use of Body Worn Cameras and in car cameras to accomplish the following objectives:

- A. To enhance LEO and civilian employee safety.
- B. To document statements and events during the course of an incident.
- C. To enhance the LEO's and civilian employee's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- D. To preserve visual and audio information for use in current and future investigations.
- E. To provide a tool for self-critique and field evaluation during LEO and civilian employee training.
- F. To enhance the public trust by preserving factual representations of LEO-citizen interactions and DPD civilian employee-civilian interaction, in the form of recorded media.
- G. To assist with the defense of civil actions against LEO's, civilian employees and the City of Duluth.
- H. To assist with the training and evaluation of officers and civilian employees.

A.To assist with the defense of civil actions against LEOs and the City of Duluth.

418.4 LEO RESPONSIBILITIES

Law Enforcement Officer safety shall be the primary consideration for the use and activation of the BWC system. LEOs that are issued a body-worn BWC will wear the BWC as part of their uniform and operate and use them consistent with this policy. LEO's may use only Department-issued BWC's in the performance of official duties for the Duluth Police Department or when otherwise performing authorized law enforcement services as an employee of this Department.

Inspection and general maintenance of BWC equipment shall be the responsibility of the LEO to whom the BWC is assigned and performed at the beginning of each shift. If the body worn BWC system is malfunctioning, damaged or stolen, the LEO shall, as soon as reasonably possible, notify a supervisor. Further, the LEO shall obtain a functioning BWC as soon as reasonably practicable. Supervisors shall, as soon as reasonably possible, take action to address malfunctions and document the steps taken.

418.5 DOCUMENTING BWC USE

LEO's must document BWC use and non-use as follows:

- Whenever an LEO makes a recording, the existence of the recording shall be documented in the LEO's report or CAD record/other documentation of the incident.
- Whenever an LEO fails to record an incident that should be recorded under this policy or captures only a part of the activity, the LEO must document the circumstances and reasons for not recording in the LEO's report or CAD record/other documentation of the incident.

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The use of BWC is required while engaged in extra-duty employment. An LEO engaged in extra-duty employment is not required to activate the BWC for every contact made. However, such officer shall be expected to activate the BWC if a situation or incident occurs which would otherwise require activation, when safe to do so. The BWC shall not be worn while LEO's are engaged in non-duty employment.

The Department will maintain the following records and documents relating to BWC use, which are classified as public data:

- (a) The total number of BWC's owned or maintained by an agency.
- (b) A daily record of the total number of BWC's actually deployed and used by officers and, if applicable, the precincts in which they were used.
- (c) The total amount of recorded BWC data collected and maintained; and
- (d) This policy, together with the Records Retention Schedule.

418.5.1 REQUIRED ACTIVATION OF THE BWC

This policy is not intended to describe every possible situation in which the BWC system may be used, although there are many situations where its use is appropriate. A LEO or civilian employee may activate the system at any dispatched call, on view, or contact in which its use is appropriate.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, even when the incident may be outside of the video range, the LEO or civilian employee is encouraged to activate the BWC to capture the audio portion of the incident.

Officers and civilian employees need not activate their BWC system when it would be unsafe, impossible or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in this policy. LEO's and civilian employees shall activate the BWC system when anticipating that they will be involved in, or become involved in, or witness other officers of this Department involved in the following circumstances:

- Terry stop of a motorist or pedestrian;
- Priority responses;
- Seizures or arrests;
- Consent to search or initial execution of a search warrant;
- Physical or verbal confrontations;
- Use of force;
- Crimes in progress;
- When ordered by a supervisor for proper purposes; or
- Any situation or incident that the officer, through training and experiences, believes should be audibly and/or visually preserved, unless such recording is otherwise prohibited.

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- When an employee is the victim, witness, or subject of a criminal investigation.
- Involved crowd control and management situations, or wearing crowd control protective gear;

LEOs may, in the exercise of sound discretion, determine to use their BWC's to take recorded statements from persons believed to be victims of and witnesses to crimes, and the persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness or suspect.

LEOs should use their BWC's or in-squad audio/video systems to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails.

LEOs should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the LEO that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. LEOs have discretion to record or not record general citizen contacts.

In addition, LEOs need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, BWCs shall be activated as necessary to document any use of force and the basis for it, and any other information having evidentiary value.

LEOs and civilian employees have no affirmative duty to inform people that a BWC system is being operated or that the individual is being recorded.

For all NON-UNIFORMED LEO's assigned a body camera, its use shall be at the investigators discretion, with the exception of any planned enforcement. For any planned enforcement investigators should follow the direction given within this policy.

Portable MVR equipment shall be activated in these circumstances even if the in-squad system is activated, provided it is safe for the officer to do so.

418.5.2 CESSATION OF RECORDING

Once activated, the BWC system should remain on until the incident has concluded unless:

- (a) The incident or event is of such duration that the BWC is deactivated to conserve power or storage capacity;
 - (b) The officer does not reasonably believe that deactivation will result in the loss of critical evidence;
 - (c) Deactivation is reasonable and necessary to protect the safety of the officer or others;
- or

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- (d) Deactivation is approved or ordered by a supervisor or officer having charge of a scene;
- (e) Deactivation is necessary to protect the identity of persons or other data entitled to protection under the MGDPA or other law.

For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and witnesses and victims have been interviewed. Recording may be temporarily paused or the audio muted to exchange information with other LEOs, legal counsel, or the lens obstructed to avoid capturing images of undercover officers, informants, or citizens where based on the training, experience and judgment of the officer, a recording would not be appropriate or consistent with this policy. The intention to pause and resume the recording (or to mute audio or obstruct the lens) will be noted by the LEO either verbally on the BWC or in a written report. Recording may cease during non-enforcement activities such as waiting for a tow truck or a family member to arrive, protecting accident scenes or in other non-enforcement situations.

418.5.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously use City equipment to record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or thier authorized designee for the purpose of conducting a criminal or administrative investigation.

418.5.3 PROHIBITED RECORDING

A BWC shall not be activated with regard to interactions solely among other employees.

The BWC shall not be used to record non-work related activity.

LEOs and civilian employees shall not use any external device to record media that has been captured by the BWC, nor shall they allow any person to record such media.

LEOs will cease recording once they have entered the sally port at the St. Louis County Jail.

418.5.4 SUPERVISOR RESPONSIBILITIES

Supervisors should assess that:

- (a) LEOs and civilian employees are using their BWCs in accordance with Department policies and procedures.
- (b) Logs reflect the proper chain of custody, including:
 1. The tracking number of the BWC system media.
 2. The date it was issued.
 3. The LEO to whom it was issued.
 4. The date it was submitted.

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5. LEO submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) It is recommended that the operation of BWC systems by new employees is assessed and reviewed no less than biweekly or until the new employee demonstrates a working knowledge of the BWC system and the applicable policies and procedures.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer involved shootings, Department-involved collisions), a supervisor should respond to the scene and ensure recorded media is secured in accordance with Department policy. The media shall be processed and retained in accordance with current policy and procedures.

418.6 DOWNLOADING AND LABELING BWC AND IN CAR CAMERA DATA

Each LEO and civilian employee using a BWC is responsible for transferring or assuring the proper transfer of the data from his or her BWC by placing it into the docking station by the end of that LEO's or civilian employee's shift. However, if the LEO or civilian employee is involved in a shooting, in-custody death, or other law enforcement activity resulting in death or great bodily harm, a supervisor or investigator shall take custody of the LEO's BWC and assume the responsibility for transferring the data from it.

LEOs and civilian employees should label the BWC data files at the time of video capture or transfer to storage, and should consult with a supervisor if in doubt as to the appropriate labeling. LEOs and civilian employees should assign as many of the following labels as are applicable to each file:

- (a) Arrest/Investigations - The video involves the physical arrest of an individual and/or the transport of an individual to jail. The video is part of an investigation that the LEO believes is necessary to retain.
- (b) Citation - The recording is of an event surrounding the issuance of a citation.
- (c) Department - The recording is sensitive in nature or the officer believes it is important to save for future use, such as Internal Investigations and potential complaints against an officer or the Department. This label is also used when the event involved the application of force by an LEO or the discharge of a firearm. An officer may use this category in addition to another category.
- (d) Interview - The recording is of an interview of a suspect, witness, or victim by an officer.
- (e) Use of Force - This label is used by the LEO when the event involved the application of force or the discharge of a firearm that also requires use of force reporting as defined by policy. This label should be used in combination with Arrest/Investigations or Citation if the aforementioned force situation occurred during the apprehension of the individual.
- (f) Pending Review - Manufacturer's label for a video which may have technical issues regarding the recording.

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- (g) Not Evidence - The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of general citizen contacts and unintentionally recorded footage are not evidence.

Labeling may be corrected or amended based on additional information.

418.7 ACCESS TO BWC DATA

All recorded media, recorded images and audio recordings are the property of the Department and are government data subject to the provisions of the MGDPA. Dissemination outside of the Department is strictly prohibited except to the extent permitted or required under the MGDPA, PODPA or other applicable law.

A. Data subjects. Under Minnesota law, the following are considered data subjects for purposes of administering access to BWC data:

- Any person or entity whose image or voice is documented in the data
- The officer who collected the data
- Any other officer whose voice or image is documented in the data, regardless of whether that officer is or can be identified by the recording

B. BWC data are presumptively private. BWC recordings are classified as private data about the data subjects unless there is a specific law that provides differently. As a result:

- BWC data pertaining to people, businesses or other entities are presumed to be private or nonpublic data
- Some BWC data are classified as confidential (see C. below)
- Some BWC data are classified as public (see D. below)

C. Confidential data. BWC data that are collected or created as part of an active criminal investigation are governed by Minn. Stat. 13.82 and are classified as confidential or protected nonpublic data. This classification takes precedence over the "private" classification listed above and "public" classifications listed below.

D. Public data. The following BWC data are public:

- Data that document the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured or dangerous.
- Data that document the use of force by a peace officer that results in substantial bodily harm.
- Data that a data subject requests to be made accessible to the public, subject to redaction. Data on any subject (other than a peace officer) who has not consented to the public release must be redacted. In addition, any data on undercover officers must be redacted.
- Data that are public personnel data under Minn. Stat. 13.43 subdivision 2(5).
- However, if another provision of the Data Practices Act classifies data as private or otherwise not public, the data retains that other classification. For instance, data that

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reveal protected identities under Minn. Stat. 13.82 (e.g., certain victims, witnesses and others) or other applicable law should not be released even if it would otherwise fit into one of the public categories listed above.

E. Access to BWC data by non-employees. Officers shall refer members of the media or public seeking access to BWC data to the data practices designee, who shall process the request in accordance with the MGDPA and other governing laws. In particular:

- An individual who is the subject of the data has access to the data, including data on other individuals who are the subject of the recording, but access shall not be granted: (a) if the data were collected or created as part of an active investigation (b) to portions of the data that the agency would otherwise be prohibited by law from disclosing to the person seeking access, such as portions that would reveal identities protected by Minn. Stat. 13.82 subdivision 17.
- Unless the data are part of an active investigation, an individual data subject may request a copy of the recording, subject to the following guidelines on redaction: (a) data on other individuals in the recording who do not consent to the release must be redacted; (b) data that would identify undercover officers must be redacted; (c) data on other officers who are not undercover, and who are on duty and engaged in the performance of official duties, may not be redacted.

F. Access by peace officers and law enforcement employees. No employee may have access to the Department's BWC data except for legitimate law enforcement or data administration purposes. Officers may access and view stored BWC video only when there is a business need for doing so, which includes the following:

- (a) For use when preparing reports or statements or providing testimony;
- (b) To assess proper functioning of BWC systems;
- (c) By Department investigators assigned to a related criminal investigation, or after approval of a supervisor, for official investigations;
- (d) By an LEO who is captured on or referenced in the video or audio data and reviews and uses the data for any purpose relating to his/her employment;
- (e) When reasonable and necessary for the officer to perform the essential functions of his/her job or to defend against allegations of substandard performance or misconduct.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the Department BWC technician or forensic media staff. When reasonably possible, a copy of the original media should be used for viewing to preserve the original media.

LEOs and civilian employees shall not make a copy of any BWC data except in compliance with this policy.

The Department shall restrict by password protection access to all BWC data and shall maintain an electronic record of the date, time and name of each employee who accesses the data.

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In no event shall any BWC data be used or shown for the purpose of ridiculing or embarrassing any employee.

G. Other authorized disclosures of data. LEOs may display portions of BWC footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. 13.82. LEOs should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio or playing audio but not displaying video. In addition:

- (a) BWC data may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.
- (b) BWC data shall be made available to prosecutors, courts and other criminal justice entities as provided by law.
- (c) With the approval of the Chief of Police, the Department may make any data classified as confidential or protected nonpublic pursuant to Minn. Stat. 13.82 subdivision 7 accessible to any person, agency or the public if the Department determines that the access will aid the law enforcement process, promote public safety or dispel widespread rumor or unrest, consistent with Minn. Stat. 13.82 subdivision 15.

418.8 AGENCY USE OF DATA

Supervisors and other assigned personnel may access BWC data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about LEO misconduct or performance. Nothing in this policy limits or prohibits the use of BWC data as evidence of misconduct or as a basis for discipline. The BWC is not intended to be used for the purpose of surveillance of officers or initiating disciplinary action against an officer.

LEOs and civilian employees should contact their supervisors to discuss retaining and using BWC data for training purposes. LEO and civilian employee objections to preserving or using certain data for such purposes will be considered on a case-by-case basis. Field training officers may utilize BWC data with trainees for the purpose of providing coaching and feedback on trainees' performance.

418.8.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event an original recording is released to a court a copy shall be made and placed in storage until the original is returned.

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418.8.2 MVR RECORDINGS AS EVIDENCE

Officers who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Duluth Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

418.9 BWC DATA RETENTION

All BWC data shall be retained for a minimum period of 90 days.

BWC data must be maintained for at least one year and destroyed according to the Records Retention Schedule if:

- (a) The data document the discharge of a firearm by a peace officer in the course of duty, other than for training or the killing of an animal that is sick, injured or dangerous;
- (b) The data document the use of force by a peace officer that results in substantial bodily harm; or
- (c) The data document circumstances giving rise to a formal complaint against the officer

Other data having evidentiary value shall be retained for the period specified in the Records Retention Schedule.

Subject to the next item below, all other BWC footage that is classified as non-evidentiary, becomes classified as non-evidentiary, or is not maintained for training shall be destroyed after 90 days.

Upon written request by a BWC data subject, the Department shall retain a recording pertaining to that subject for an additional time period requested by the subject of up to 180 days. The Department will notify the requestor at the time of the request that the data will then be destroyed unless a new written request is received.

The Department will post this policy, together with a link to its Record Retention Schedule, on its website.

418.10 PROPERTY AND EVIDENCE TECHNICIAN RESPONSIBILITIES

The Property and Evidence Technician is responsible for:

- (a) Retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight. Once collected the Property and Evidence Technician:
 - 1. Ensures it is stored in a secured location with authorized controlled access.
 - 2. Makes appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies.

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- (d) Ensuring that an adequate supply of recording media is available.
- (e) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the Records Retention Schedule.

418.11 SYSTEM OPERATIONS STANDARDS

BWC system use should be based on LEO safety requirements and device manufacturer recommendations.

The BWC system should be configured to record no more than 30 seconds prior to an activation.

The BWC system should not be configured to record audio data occurring prior to activation.

LEOs using digital transmitters that are individually synchronized to their individual BWC should activate both audio and video recording when responding in a support capacity in order to obtain additional perspectives of the incident scene.

With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the BWC system.

LEOs and civilian employees shall not intentionally erase, alter, modify or tamper with BWC data. Only a supervisor, BWC administrator, BWC technician, or other approved designee, may erase media in accordance with this policy.

As required by Minn. Stat. 13.82 subdivision 9, as may be amended from time to time, this Department shall obtain an independent biennial audit of its BWC program.

418.12 TRAINING

Users of the BWC system and supervisors shall successfully complete an approved course of instruction prior to being deployed with BWC systems in operational settings.

418.13 USE OF PERSONAL DIGITAL RECORDING DEVICES

LEOs and civilian employees are prohibited from using personal video recording equipment in lieu of their Department-issued BWCs while on-duty. However, the Department recognizes that, in rare or unforeseen situations, it may be necessary for LEOs to use their personal video recording equipment to record or collect evidence. In such an event, the LEO must upload that media into SHIELD or save to a DVD and place into evidence in accordance with Department policy and procedure.

418.14 COMPLIANCE

Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of BWC data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. 13.09

Mobile Digital Computer Use

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

419.2 POLICY

Duluth Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

419.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

419.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

419.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

419.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

419.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, court, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC while the vehicle is not in motion.

419.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

419.6 EQUIPMENT CONSIDERATIONS

419.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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419.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Bicycle Patrol

420.1 PURPOSE AND SCOPE

The Duluth Police Department has established Bicycle Patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

420.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize its mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Area Commander or his/her designee.

420.3 SELECTION OF PERSONNEL

Interested licensed personnel, who are off probation, shall submit a training request to their appropriate Lieutenant. A copy will be forwarded to the East Area Commander or his/her designee.

420.3.1 BICYCLE PATROL TRAINING OFFICER

The Bicycle Patrol Training Officer(s) shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating the performance of bicycle officers.
- (e) Coordinating activities with the Bicycle Patrol Supervisor.
- (f) Bicycle inspection and documentation in the spring of every year.
- (g) Other activities as required to maintain the efficient operation of the unit.

420.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

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Bicycle Patrol

420.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, protective eyewear and approved footwear.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge, patches and retro-reflective "POLICE" on the back, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set, microphone, and jackets with retro-reflective "POLICE" on the back in colder weather. Turtleneck shirts are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

420.6 CARE AND USE OF PATROL BICYCLES

Bicycles utilized for uniformed bicycle patrol shall be primarily black in color. Every such bicycle shall be equipped with front and rear reflectors and front and rear lamps. Lamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a Citation Book, Parking Ticket Book, Police Stickers, ICR Cards, Alternate Side Parking Calendars, 1st Aid Kit (wrap, bandages, gloves), Pens, Notebooks, Flex Cuffs, Sun Screen and Hand Sanitizer. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing red warning light that is visible from the rear of the bicycle and a steady white light to the front.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, an email will be sent to a Bicycle Patrol Training Officer notifying them of the repair to be done by a certified technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

For Officers that are assigned a bicycle for a riding season, the bicycle shall be returned at the conclusion of that season.

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Issued bicycles are not authorized for personal use.

A yearly inventory of all bicycles and equipment will be completed by the bicycle supervisor or his/her designee.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

420.7 OFFICER RESPONSIBILITIES

An Officer may operate a bicycle without lights if the Officer reasonably believes that operating the bicycle without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation. When such operation reasonably appears necessary, Officers should continually evaluate the situation as it pertains to Officer safety, public safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment. Officers are exempt from operating the bicycle in compliance with Minnesota law while performing their duties (Minn. Stat. 169.222 Subd. 11).

Foot Pursuits

421.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

421.2 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

421.3 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit. The development of reasonable suspicion regarding the individual's involvement in criminal activity or the belief the person is a danger to themselves can justify a pursuit.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area
- (b) Canine search
- (c) Saturation of the area with patrol personnel

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- (d) 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 pursuit.

421.4 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) When the pursuing officers do not reasonably believe that they would be able to control the suspect or suspects should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with the Communications Center or with backup officers.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.

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- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

421.5 RESPONSIBILITIES IN FOOT PURSUITS

421.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of suspects and description
- (e) Whether the suspect is known or believed to be armed

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

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

421.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

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Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

421.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

421.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, the Communications Center personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, the Communications Center personnel are also responsible for the following:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing officer as needed.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Relay all pertinent information to responding personnel.
- (e) Contact additional resources as indicated.
- (f) Coordinate response of additional resources to assist with the foot pursuit.

421.6 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

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- (e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a supplemental report in addition to the data normally created during the event.

421.7 ADDITIONAL INFORMATION

See the Procedural Standard of Practice Guideline for additional information.

Automated License Plate Readers (ALPR)

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

422.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Duluth Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Deputy Chief. The Administration Deputy Chief will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

422.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.
- (f) The officer should verify all ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.
- (g) Any officer who uses a vehicle equipped with an ALPR system must document any action taken on an ALPR Hit. The officer must type a specific code in CAD comments as part of the disposition when the action is taken on an ALPR Hit. The codes to be

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used are as follows. They will all be in capital letters. For an arrest made based on an ALPR Hit, the code is ALPRARREST. For a ticket, the code is ALPRTAG. For someone who was advised, it will be ALPRADV. For someone given a reprimand, it will be ALPRREP. For a report the code is ALPRRPT.

ALPR operators must have successfully completed approved Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) database access training and obtain clearance through the Bureau of Criminal Apprehension prior to operating ALPR equipment or accessing ALPR data.

422.3.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The Duluth Police Department will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

- (a) Data collected by an ALPR will be limited to:
 - 1. License plate numbers.
 - 2. Date, time and location of data captured.
 - 3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.
- (b) ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
- (c) ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
- (d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

422.4 DATA COLLECTION AND RETENTION

The Administration Deputy Chief is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this department (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

- (a) Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.
- (b) Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

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All other ALPR data should be retained in accordance with the established records retention schedule.

422.4.1 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

- (a) Specific times of day that the ALPR collected data.
- (b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.
- (c) For each period of active use, the number of vehicles or license plates related to:
 1. A vehicle or license plate that has been stolen.
 2. A warrant for the arrest of the owner of the vehicle.
 3. An owner with a suspended or revoked driver's license or similar category.
 4. Active investigative data.
- (d) For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

422.5 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Duluth Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
- (d) Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).
- (e) All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.

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- (f) Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

422.6 RELEASING ALPR DATA

The ALPR data not public data may be shared only with other law enforcement agencies for legitimate law enforcement purposes or as otherwise permitted by law and in accordance with this policy, provided the following criteria are met:

- (a) The law enforcement agency or department sworn personnel make an official request for the ALPR data by completing the Automated License Plate Reader Data request form. Requests are processed through the Administrative Sergeant.
- (b) The identity of the agency and the person requesting the data and the intended purpose is documented and retained on file.
- (c) The request is approved by the Records Supervisor or designee.

422.7 POLICY

The policy of the Duluth Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

422.8 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

- (a) The agency makes a written request for the ALPR data that includes:
 1. The name of the agency.
 2. The name of the person requesting.
 3. The intended purpose of obtaining the information.
 4. A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
 5. A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.
- (b) The request is reviewed by the Administration Deputy Chief or the authorized designee and approved before the request is fulfilled.
 1. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.
- (c) The approved request is retained on file.

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Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

Stolen Vehicle Reporting, Initial Investigation, and Recovery

423.1 PURPOSE AND SCOPE

The Duluth Police Department responds to reports of numerous stolen vehicles each year, which result in a significant loss to the victims. On scene preliminary investigations can gather evidence, apprehend and convict suspects, determine false reports, and provide the victim with much needed service. This policy outlines procedures to be used in the investigation of stolen vehicles.

423.2 VEHICLE REPORT

Patrol Officers or Community Service Officers (CSO's) are responsible for completing a Case Report and a Case Activity entry to the Auto Theft Investigator on all stolen:

- Cars
- Trucks
- ATVs
- Motorcycles
- Boats
- Trailers
- Snowmobiles
- Stolen vehicle parts that have Vehicle Identification Numbers (VIN) or VIN derivatives on them (i.e.: engines, etc.)
- License plates (see note below)
- License tabs

Note: Case Reports only need to be completed on stolen license plates or tabs when both plates or tabs are stolen from the same vehicle; or when one plate or tab is stolen from a vehicle which requires only one. In cases where one plate or tab is stolen, officers or CSO's should have the owner surrender or destroy the second plate or tab so they can be entered into NCIC.

423.3 PRELIMINARY INVESTIGATIONS

Patrol officers OR cso'S conduct preliminary investigations of all reported auto thefts. Patrol officers or CSO's conducting a preliminary auto theft investigation are responsible for:

- Assuring the report is criminal, not civil.
- Making an initial determination of the reports authenticity (and not due to hit/run, DUI, etc.)
- Responding to the victims/reporting party's location and completing the DULUTH POLICE DEPARTMENT VEHICLE REPORT. Should someone other than the listed owner report the theft of a vehicle, the owner is unavailable to sign the vehicle report,

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and the investigating officer believes the report to be accurate, the officer can allow the responsible person to sign the vehicle report. The reason for the exception is noted on the back of the form. The owner must be notified to sign the original report as soon as possible.

- Verifying insurance.
- Verifying ownership.
- Checking the area from which the vehicle was stolen for evidence and for other abandoned stolen vehicles.
- Forward the completed VEHICLE REPORT to the Report Writing Room Box as soon as possible.
- Checking the towing records for both police and private tow offs at the earliest possible time to limit unnecessary paperwork. When it has been determined that the vehicle has not been towed, both boxes reference towing shall be marked by the investigating officer.

Patrol officers should continue investigating the theft by checking the immediate area for the vehicle and paying attention to possible theft, recovery and suspect patterns.

Patrol Officers shall notify dispatch of the vehicle information on any confirmed stolen vehicles so that the vehicle can be entered into NCIC.

423.4 INVESTIGATIONS

The Auto Theft Investigator is responsible for follow up investigation of auto thefts. These responsibilities include:

- All reasonable follow up.
- Maintaining a record of stolen vehicles and their recovery.
- Attempting to discern patterns of both loss and recovery.

423.5 RECOVERY/PROCESSING

When a vehicle stolen from the City of Duluth is recovered within the City of Duluth, the assigned officer should re-open the original call where the stolen vehicle report was taken and complete a supplemental report documenting all details of the recovery to include any evidence collection or processing efforts. If a "VRECOV" call is first generated by Dispatch, that call should be cross-referenced with the original call and closed out, with all supplemental narratives created under the original ICR.

The officer who recovers a stolen vehicle shall immediately notify the owner of the recovery and determine whether or not the vehicle can be released. If the vehicle is going to be towed and processed, the owner will be notified of the recovery and that they will be re-contacted as soon as the vehicle can be released. The owner is also advised that upon receiving the vehicle, any items discovered stolen from, or items added to, the vehicle should be reported to the Police Department.

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If a Duluth stolen vehicle is recovered by an outside agency, the officer who takes the recovery report will complete a supplemental report under the original ICR, notify the owner of the recovery, and notify 911 personnel to cancel the stolen vehicle in NCIC.

When an officer recovers a vehicle that was stolen from outside of Duluth, the officer shall document this in a Case Report. This officer is also responsible for notifying the originating agency of the recovery and the DPD ICR.

423.5.1 VEHICLE PROCESSING

Every effort should be made to effectively process recovered stolen vehicles for evidence. A patrol supervisor shall be contacted to determine if the stolen vehicle should be processed. If the vehicle is to be processed, the processing can be done by a CSI Investigator or a patrol officer crime scene investigator (POSCI).

If a vehicle is to be processed by Crime Scene Investigations, officers shall complete an entry in the activities tab in Tyler Records requesting such action.

If it is determined that a stolen vehicle will be processed, but will be not processed at the scene, it should be impounded and stored inside in a secure location at the wrecker company location. Storage of recovered stolen vehicles in the police garage requires prior approval by a patrol supervisor.

If the recovered stolen vehicle is from another agency, the originating agency determines if they want the vehicle held for processing after recovery.

423.5.2 RECOVERY INFORMATION

The officer who recovers a stolen vehicle shall immediately notify the owner of the recovery and determine whether or not the vehicle can be released. If the vehicle is going to be towed and processed, the owner will be notified of the recovery and that they will be re-contacted as soon as the vehicle can be released. The owner is also advised that upon receiving the vehicle, any items discovered stolen from, or items added to, the vehicle should be reported to the Police Department.

If a Duluth stolen vehicle is recovered by an outside agency, the officer who takes the recovery report will complete the "Recovery Information" on the original VEHICLE REPORT, notify the owner of the recovery, and notify 911 personnel to cancel the stolen vehicle in NCIC.

The officer shall place the original Stolen Vehicle Report in the DPD Report Writing Room, make an RFPRO entry in CAL indicating the vehicle was recovered, and enter the recovery information in the Patrol Log..

When an officer recovers a vehicle which was stolen from outside of Duluth, the officer documents the recovery information, typically the same as required on a local stolen recovery, in a narrative report, and makes a CAL referral to Property Crimes (RFPRO). . This officer is also responsible for notifying the originating agency of the recovery and the DPD ICR.

The Property/Financial Crimes sergeant is responsible for reviewing all recoveries, ensuring the owner was notified, and ensuring that other requirements of this policy are met.

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423.5.3 EVIDENCE

Any officer obtaining physical evidence from a vehicle shall also document this in their Case Report. The evidence is handled in accordance with Policy 807.

423.5.4 VEHICLE DISPOSITION

Officers or CSO's must remain with the vehicle until it is towed from the scene or retrieved by the owner.

Investigation of Fuel Thefts

424.1 PURPOSE AND SCOPE

This General Order will direct the Duluth Police Department response to reports of Theft of Fuel, and to serve as a guide for the successful investigation and prosecution of fuel theft suspects.

424.2 RESPONSIBILITIES

If viable suspect information on the vehicle and/or driver may allow for the successful identification of the suspect, Officers are expected to complete follow up investigation until such a time the case is submitted for prosecution, or the case is suspended due to a lack of viability for prosecution.

Incidents involving limited or no suspect information, with little likelihood of identifying the suspect, can be handled by a Community Service Officer (CSO), or referred to file an E-Report.

424.3 REPORTS

A Case Report should be completed by an Officer, CSO, or via E-Reporting by the victim, on all reported theft of gasoline incidents.

Response to Vehicle Prowl and Vehicle Damage Incidents

425.1 PURPOSE AND SCOPE

Incidents resulting in unauthorized entry into and damage to motor vehicles are a community problem. Citizens often leave valuables in their vehicles, which make them vulnerable to entry and damage. Vehicle prowling is a crime of opportunity that often includes the suspect damaging a vehicle to make entry, or causing damage to the vehicle in the process of removing valuables. Vehicles are also damaged due to general vandalism and disputes, not related to unauthorized entry or theft. This order will deal with a response to such incidents.

425.2 RESPONSIBILITY

Officers or Community Service Officers (CSO) will respond to all reported incidents of unauthorized vehicle entry (VPROWL) and vehicle damage (VDAMP). If damage to a vehicle occurs during an unauthorized vehicle entry, that call should be coded as a VPROWL, and any associated damage shall be document in a Case Report. Damage to vehicles caused by crashes is not applicable to this order.

A preliminary investigation will be conducted to identify possible suspects, identify, collect and package evidence left at the scene and document loss of property or vehicle damage. If the initial investigation determines there is suspect information and/or evidence left at the scene that could aid in further investigation and possible identification of a suspect or suspects, an Officer shall conduct this investigation. Officers initiating an investigation with suspect information are expected to complete follow-up investigation until such time as the case is submitted for prosecution or the case is suspended due to lack of viability for prosecution.

Incidents involving limited or no suspect information, with little likelihood of identifying the suspect, can be taken by a CSO, or referred to file an E-Report.

425.3 REPORTS

A Case Report should be completed by an Officer, CSO, or via E-Reporting by the victim, on all reported VPROWL or VDAMP incidents. This report shall document any loss of property and/or vehicle damage.

Shoplifting Arrests

426.1 PURPOSE AND SCOPE

This general order provides guidelines for shoplifting complaints involving juveniles and adults.

426.2 ARREST BY MERCHANT

Shoplifting arrests are seldom initiated by officers. M.S. 629.366 allows merchants, or their employees, to detain persons they have reasonable cause to believe have committed a theft. The merchant may not interrogate the person against their will. They may not detain the individual for more than one hour unless they are awaiting the response of a law enforcement officer, or in the case of a juvenile, the response of the parent or guardian.

426.3 OFFICER RESPONSE

426.3.1 ADULT OFFENDERS

ARREST REPORTS are completed for each offender. In most instances, store security personnel complete the reports. Officers must review ARREST REPORTS for completeness. Officers should attempt to obtain a statement. The statement may be taken while the person is being detained in which case the Miranda warning is required. A statement may be taken after release, without Miranda, if it is clear to them that they are free to leave.

Adults with identification may be issued citations and released for misdemeanor offenses. The person may be lodged at the County Jail if:

- They are from outside the state or immediate area;
- The incident constitutes a felony or gross misdemeanor; or
- They do not have identification.

426.3.2 JUVENILE OFFENDERS

ARREST REPORTS are completed for each offender. In most instances, store security personnel complete the reports. Officers must review ARREST REPORTS for completeness. Officers should attempt to obtain a statement. The statement may be taken while the person is being detained, after Miranda, if the juvenile understands the warning, and agrees to provide a statement. (Policy 322 Search and Seizure) Parents must be notified prior to the statement if the juvenile doesn't understand Miranda or they request their parent or guardian is present. (See Policy 324 Juvenile Investigations) A statement may be taken after release, without Miranda, if it is clear to them that they are free to leave.

Officers are to notify the parent or guardian and release the juvenile to them. It is preferable to release the juvenile directly to the parents; however, it is permissible to release the juvenile after verbally notifying the parent. If the parents, or a responsible adult can not be contacted the officer will place a juvenile that is 15 years of age or younger at Bethany Crisis Shelter. If the parents, or a responsible adult, can not be contacted in the case of a 16 or 17 year old offender the officer may release the offender based upon their maturity level and emotional reaction to the arrest. In

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the instance that notification can not be made, and the officer does not believe it is safe to release the 16 or 17 year old, the unit leader should be contacted. All efforts, whether successful or not, to notify parents or responsible adults, must be documented in the SUPPLEMENTAL REPORT. Officers issue juveniles a citation prior to release. No court date is set.

426.3.3 EVIDENCE

Generally, merchants retain the evidence. In extenuating circumstances, evidence is placed into department evidence. M.S. 609.523 permits officers to photograph the evidence.

An EVIDENCE REPORT must be completed by the person who collected the evidence. The disposition of the evidence must be noted on the report.

Use of Push Bumper

427.1 PURPOSE AND SCOPE

This General Order establishes procedures for using push bumper-equipped squad cars to push disabled or damaged vehicles. Use of push bumpers will restore normal traffic flow and reduce the threat of additional property damage or injury.

427.2 DEFINITION

A push bumper is defined as two or more vertical metal posts wrapped in protective covering and affixed to the front bumper assembly of a police squad car. Push bumpers are used to push motor vehicles out of a traffic lane to a safer location. The push bumper is intended only for bumper to bumper contact. Push bumpers are not intended for ramming or PIT maneuvers, unless allowed by policy and training. Push bumpers differ from brush guards or grille guards, whose main purpose is protecting the front of the vehicle from damage.

427.3 AUTHORIZED USE AND LIMITATIONS

Officers shall follow departmental limitations on the use of push bumpers.

- The installation of push bumpers on police vehicles is not intended to eliminate the use of tow trucks.
- With owner/operator consent, push bumpers may be used to assist in moving to safety a stalled or disabled vehicle which is creating an obstruction or hazard on a public street or highway traffic or a hazard.
- Prior to pushing any occupied vehicle, officers shall ensure the driver has valid driver's license and proof of insurance.
- A vehicle shall not be pushed in the instance of the arrest of the owner.
- Officers shall not push-start another vehicle or provide a push as a public service to citizens whose vehicles are not creating a hazardous situation.
- Do not push the vehicle if it is felt that any damage will result to either vehicle.

427.3.1 OFFICER DISCRETION - FACTORS FOR CONSIDERATION

The use of push bumpers is at the discretion of the officer. Use must be within the limitations set by policy and be done with consideration of the following factors:

- (a) The use of push bumpers is authorized only in cases where it is in the best interest of public safety to push the vehicle to a safe place rather than wait for a tow truck.
- (b) Inclement weather shall be considered as it relates to safety.
 - Visibility: snow or rain may obstruct visibility. Also, the windshield wipers may not work on a disabled vehicle.

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- Roadway: snow, sleet, icy or wet conditions may cause unpredictable or unsafe driving conditions.
- (c) Pushing vehicles downhill or uphill grade is discouraged due to the potential for the bumpers to disengage, resulting in loss of control over the disabled vehicle and damage. If bumper to bumper contact is lost, officers shall re-contact the bumper of the other vehicle only after it has completely stopped moving.
- (d) Other safety factors:
 - Ensure the vehicle being pushed is visible at all times.
 - Avoid pushing over deep holes, as this can cause misalignment of the bumpers.
 - Avoid turns. Contact during turns has a high probability of causing damage to the vehicle being pushed.

427.3.2 PRE-PUSH CONSENT, INSPECTION, AND OPERATOR DIRECTION

Prior to pushing another vehicle, the officer shall provide the owner/operator with a clear explanation of the pushing process.

- (a) Consent: If the operator is not the registered owner of the vehicle, consent for pushing must be obtained prior to pushing (regardless of whether the owner is present.)
- (b) Vehicle Inspection: Advise the owner/operator that the City is NOT responsible for any vehicle damage (including scratched bumpers) which may occur as a result of being pushed.
 - Inspect the vehicle to be pushed for prior damages and ensure that the rear bumper is properly affixed.
 - Document with owner any vehicle damage identified prior to pushing The in- car video camera may be used to document any existing damage prior to making contact with the push bumper. Officers must note in CAD comments any damage and the responses by the owner/operator regarding the owner's consent to the pushing of the vehicle.
- (c) Direction: Discuss the pushing procedure with the driver and make sure the driver understands your plans.
- (d) Explain to the driver they may have minimum control of the vehicle as disabled vehicles not under power do not have power steering or power brakes.
- (e) Describe the planned push in detail to include:
 - The driver must put the transmission in neutral.
 - Brake pressure cannot be applied with the police vehicle is pushing.
 - The steering wheel must be unlocked.

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Use of Push Bumper

- Advise the driver of the push destination; the vehicle should be pushed only far enough to eliminate the hazard.
- Instruct the driver to signal when they are ready to begin the push.

427.3.3 PUSHING PROCEDURE

To properly push another vehicle, the following procedure shall be used to ensure the action is done in a safe manner.

- (a) Use of Safety Devices
 - Overhead emergency lights shall be used when pushing a disabled vehicle.
 - Hazard warning flashers should be used on both vehicles if possible.
 - It may be necessary to use another officer to direct traffic.
 - Flares or secondary squad should be considered if there is a visibility concerns.
- (b) Before engaging the push bumper, the front of the squad car is positioned as closely as possible to the bumper of the other vehicle, without actually touching the other vehicle. The officer will visually inspect the alignment of the two vehicles before beginning the push. If the alignment of the vehicles may lead to damage, the officer shall re-align the squad car. If the re-alignment does not correct the issue, the officer shall not push the other vehicle.
- (c) If the alignment is correct, slowly accelerate to a safe speed.
- (d) Safety Warning: Vehicles should not be pushed faster than ten (10) MPH. Indications are that airbags may activate if an impact exceeding 12 MPH occurs.
- (e) Squad cars shall push vehicles in as straight a path as possible, to avoid contact damage. In no case should contact be maintained when pushing a vehicle around a corner. The patrol car should provide the other vehicle with enough momentum to allow it to coast around the corner where the vehicles may be reengaged to continue in a straight line if necessary.
- (f) Vehicles shall not be pushed from the front. It is difficult for the other driver to control a vehicle being pushed backwards. Airbags may also deploy on certain vehicles if they are pushed from the front, resulting in possible injury to the driver.
- (g) Contact between the two vehicles should be ceased prior to the disabled vehicle slowing down or coming to a complete stop.
- (h) After the push is completed, assess the necessity for continued traffic control, driver safety and post-push vehicle inspection with the driver. When possible, utilize in-car camera to zoom in on the bumper of the vehicle that was pushed, to show any change in vehicle condition. Note in CAD comments any change in vehicle condition or damage.

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- (i) In the event of damage to either vehicle a Patrol Supervisor must be contacted. Proper paperwork shall be completed as determined by the Patrol Supervisor. Damage to another vehicle by a squad car shall also be reported to the City Loss Prevention Agent in the City Attorney's Office.

Public Recording of Law Enforcement Activity

428.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

428.2 POLICY

The Duluth Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

428.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

428.4 OFFICER RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

428.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

428.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

428.7 SECTION TITLE

Medical Cannabis

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the possession or use of medical cannabis under Minnesota's medical cannabis laws.

429.1.1 DEFINITIONS

Definitions related to this policy include (Minn. Stat. § 152.22):

Medical cannabis - Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins in the form of a liquid, oil, pill, or dried raw cannabis that is properly packaged and labeled with:

- (a) The name and address of the authorized manufacturer.
- (b) The patient's registry identification number, name, date of birth, and address.
- (c) The chemical composition of medical cannabis.
- (d) Recommended dosage.
- (e) Directions for use.
- (f) Batch number.
- (g) Date of manufacture.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 152.22 et seq.

Caregiver - A person who has been approved by the Minnesota Commissioner of Health to assist a patient who is unable to self-administer medication or acquire medical cannabis from a distribution facility, and who is authorized to assist the patient with the use of medical cannabis.

429.2 POLICY

It is the policy of the Duluth Police Department to prioritize resources to avoid making arrests related to medical cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Minnesota medical cannabis laws are intended to provide protection from prosecution to those who use or possess medical cannabis for medical purposes. The Duluth Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Minnesota law and the resources of the Department.

429.3 INVESTIGATION

Investigations involving the possession or use of cannabis generally fall into one of two categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a person claims to be a patient or caregiver.

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429.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

429.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER

Arrest shall not be made for the possession of medical cannabis by a patient, a caregiver or the parent or legal guardian of a patient (Minn. Stat. § 152.32).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person's status as a patient. The possession of medical cannabis registry verification from the Minnesota Department of Health should also suffice for verification a person's status as a patient or caregiver (Minn. Stat. § 152.22; Minn. Stat. § 152.27).

429.3.3 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person (Minn. Stat. § 152.23):

- (a) Possesses or engages in the use of medical cannabis on a school bus or van, on the grounds of any preschool or primary or secondary school, in any correctional facility, or on the grounds of any child care facility or home daycare.
- (b) Vaporizes or smokes medical cannabis on any form of public transportation, where the vapor or smoke would be inhaled by a non-patient minor child, or in any public place or a place of employment.
- (c) Operates any motor vehicle, aircraft, train, or motorboat, or works on transportation property, equipment, or facilities while under the influence of medical cannabis.

429.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a medical cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities, or whenever the officer believes those authorities would have a particular interest in the information.

429.5 SPECIAL INVESTIGATIVE UNIT SUPERVISOR RESPONSIBILITIES

The Special Investigative Unit supervisor shall ensure that medical cannabis, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical cannabis is not destroyed. Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Special Investigative Unit supervisor shall, as soon as practicable, return to the person from whom it was seized any medical cannabis, drug paraphernalia, or other related property.

The Special Investigative Unit supervisor may not destroy medical cannabis except upon receipt of a court order.

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The Special Investigative Unit supervisor may release medical cannabis to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Major Crimes Unit supervisor or Special Investigative Unit supervisor

429.6 REPORTING

Officers aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the Minnesota Department of Health's Office of Medical Cannabis within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).

Officers having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the Office of Medical Cannabis using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).

Interactions with Persons Experiencing Homelessness

430.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that employees of the Duluth Police Department understand and are sensitive to the needs and rights of persons experiencing homelessness and to set forth procedures for law enforcement officers to follow during contacts with such persons. This policy recognizes that all persons, including people experiencing homelessness, have the right to be peacefully in any public place so long as their activities are lawful. It also explicitly affirms that homelessness is not a crime.

430.2 DEFINITION

A person experiencing homelessness is an individual who lacks a fixed, regular day or night-time residence, or has a primary day or night-time residence that is:

- (a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
- (b) An institution that provides a temporary residence for individuals intended to be institutionalized;
- (c) A public or private place not designed for human habitation, or ordinarily used as a regular sleeping accommodation for human beings;
- (d) A low-cost motel or other situation without a long-term lease;
- (e) Sharing the housing of friends or family without a legal right to remain.

430.3 POLICY

The policy of the Duluth Police Department is to treat persons experiencing homelessness in a manner that protects their needs, rights and dignity, while providing appropriate law enforcement services to the entire community. The Duluth Police Department recognizes that in law enforcement situations involving persons experiencing homelessness, it is preferable to make referrals to organizations that provide services to them, and to refrain from initiating contacts that interrupt innocent activity and may violate an individual's constitutional and human rights.

430.4 PROCEDURE

- (a) Contact
 1. Officers may at any time approach a person experiencing homelessness who has not been observed engaging in criminal conduct, to offer advice about shelters, services, or other assistance that is available. In appropriate situations, officers may also contact an outreach worker from a public or private homeless services provider. The person experiencing homelessness is free to choose whether or not to accept any referral.

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2. Officers shall refrain from detention, arrest, interrogation, or initiation of any other criminal law enforcement interaction with persons experiencing homelessness so long as they are not engaged in unlawful activities or pose a danger to themselves or others due to intoxication or mental health crisis.
 3. Officers shall refrain from communicating in any way, to persons who are or appear to be homeless, that they are not allowed to be in a particular public space otherwise available to the public
- (b) “Move On” Orders
1. Absent safety, security, or other constitutionally lawfully permissible reasons, when a person has a legal right to be present where he or she is, officers shall not order or impose arbitrary time limits for any person to move to another location.
 2. It is Duluth Police Department policy not to arrest people for failure to move on.
- (c) Requests for Identification
1. Requests for identification made to a person who is or appears to be homeless shall be subject to the same legitimate law enforcement requirements as are applicable to such requests when made to any other person, but with sensitivity to the special needs and circumstances of the individual situation
 - (a) Requests or demands for identification shall be made only with good cause. Requests for identification shall not be made pursuant to casual contact with persons who are or appear to be homeless.
 - (b) When a person who is or appears to be homeless is unable to produce a valid form of identification, the officers shall not penalize the person for failing to produce the requested identification.
 - (c) All persons’ subject to arrest or citation must be positively identified by police, whether or not a person can produce a valid identification.
- (d) PERSONAL PROPERTY
1. The personal property of homeless individuals shall be treated with the same respect and consideration given to the personal property of any other person, with particular sensitivity to the special needs and circumstances of the individual situation.
 2. In arrest situations, persons experiencing homelessness shall not be required to abandon personal property they identify as their own at the arrest site. Officers shall not damage, hide or cause to be abandoned the personal property of any such person. Where reasonable, officers shall adopt or facilitate measures that will best safeguard personal property, as identified by the arrestee.
 - (a) Where practical, the personal property of homeless arrestees is to be handled in the same manner as the property of other arrestees.
 - (b) Homeless individuals have a constitutionally protected expectation of privacy in their personal belongings and closed containers. Officers shall

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refrain from instituting any search, frisk, or other such investigation where the elements of consent, reasonable suspicion or probable cause are not met.

- (c) In no event shall any officer destroy personal property known to belong to a homeless person, or recognizable as property of a homeless person, unless it poses a health hazard.
- (d) It is a reasonable response for an officer to contact the homeless outreach worker for assistance and direction.

430.5 TRAINING AND IMPLEMENTATION

TRAINING

- (a) In collaboration with local homeless service agencies, the Duluth Police Department shall conduct trainings on this policy with all new recruits, and annually with all officers assigned to patrol duties.

IMPLEMENTATION

- (a) The Duluth Police Department shall evaluate compliance with this policy in an on-going basis, which may include an assessment of:
 - 1. Citation and arrest records for individuals listing no address or known local shelter addresses.
 - 2. Ordinances frequently used against persons experiencing homelessness (camping, loitering, panhandling, public urination or defecation, etc.).
 - 3. Feedback with homeless outreach workers, social services and other non-profit homeless advocates.
 - (a) This evaluation shall seek to determine if persons experiencing homelessness are treated in an equitable, respectful, dignified manner with the same rights afforded to them as any other person.
 - (b) If less than full compliance is found, the Duluth Police Department shall take steps to correct the issues, including, but not limited to, providing additional training on this policy.
- (a) This evaluation shall seek to determine if persons experiencing homelessness are treated in an equitable, respectful, dignified manner with the same rights afforded to them as any other person.

430.6 COMPLAINTS

- (a) Complaints on police procedure relative to this policy may be directed to any of the following resources:
 - 1. The police department in person, by writing or the phone
 - 2. The Citizen Review Board
 - 3. The Human Rights Commission

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- (b) All complaints will be investigated by the Duluth Police Department, per Duluth Police Department Policy 1004, and a fact-finding summary will be completed and presented to the Citizen Review Board. The fact-finding may include review of body worn cameras and/or interviews with involved persons, witnesses and officers

Crisis Intervention Incidents

431.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

431.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

431.2 POLICY

The Duluth Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

431.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation, or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality, or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

431.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Duluth Police Department's Co-Responder Unit (CORE) collaborates with other community mental health professionals in the coordination of care of those who may be in crisis. That coordination of care begins with referrals sent to the unit by the patrol division based on those they encounter who could benefit from receiving services, or based on those who have frequent police contacts often displaying chronic symptoms of mental health illness and/or substance abuse. Officers may collaborate directly with community mental health professionals and send a referral for tracking purposes.

431.4.1 OBTAINING MENTAL HEALTH INFORMATION

The Chief of Police should designate a member of the Department to develop access procedures, retention guidelines, data security safeguards, notification procedures, and any other applicable standards for obtained mental health information (Minn. Stat. § 626.8477). Please reference DPD policy 356.

Officers may seek information from a mental health professional during a crisis situation pursuant to department procedures. When information is requested, officers should provide an explanation why disclosure of mental health information is necessary to protect the health or safety of the individual in crisis or of another person (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

Information obtained from mental health professionals in crisis incidents should generally be limited to that necessary to safely respond. Officers obtaining mental health information to address crisis incidents should document the following in the associated reports (Minn. Stat. § 13.46; Minn. Stat. § 144.294):

- (a) The name of the officer who requested the information
- (b) The name of the health professional who provided the information
- (c) The name of the individual experiencing the crisis

Mental health information obtained in these circumstances should not be used for any purpose beyond addressing the crisis. The subject of the information should be advised of the information obtained (Minn. Stat. § 13.46; Minn. Stat. § 144.294).

431.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

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An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) Consult with the CORE unit, if available, for other collateral information about the person in crisis.
- (l) If circumstances reasonably permit, consider and employ alternatives to force.

431.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).

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- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

431.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources, CORE officers, and a supervisor should be requested as warranted.

431.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Deputy Chief.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.
- (g) Complete a Command Staff Notification when appropriate. A notification will be completed when disengaging a high risk subject, explaining the reasons for disengagement.

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431.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

431.9.1 DIVERSION

Diversion is the process by which individuals with mental and substance use disorders are diverted from the criminal justice system into treatment or alternatives to incarceration are found. Officers should consider their contact with a person in crisis as the first intersection for diversion and should:

- (a) Use de-escalation techniques and conflict resolution to stabilize the situation and use their discretion to divert the individual to the Mobile Crisis Team, Residential Crisis Stabilization, Emergency Health Care, Community Based Health and Social Services, Detox and/or friends and family.
- (b) Refer repeat/low level offenders, at the earliest contact with law enforcement, to the Mental Health Unit to allow coordination of care.

431.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is, or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

431.11 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will continue to provide comprehensive education and training to department members to enable them to effectively interact with persons in crisis.

Entry level training shall be conducted for new sworn personnel during the DPD recruit academy. All sworn personnel shall receive at a minimum the required training determined by the Minnesota Police Officers Standards and Training Board.

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433.1 PURPOSE AND SCOPE

The Duluth Police Department (“Department”) respects the rights to freedom of speech and assembly established in both the United States and Minnesota Constitutions.

The First Amendment of the United States Constitution states:

“Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of people to peaceably assemble, and to petition the Government for a redress of grievances.”

The Constitution of the State of Minnesota, Article I, Section 3, states:

“The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.”

The purpose of this policy is to establish guidelines for managing crowds and preserving the peace during lawful events/assemblies and unlawful civil disturbances while respecting the rights, lives, and safety of all individuals.

433.2 POLICY

The Duluth Police Department respects the rights of people to peaceably assemble. The Department recognizes its response to both lawful and unlawful assemblies has a role in determining how these events evolve. It is the policy of the Department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property. The Department will strive to effectively manage crowds during demonstrations and civil disturbances to prevent loss of life, personal injury, or property damage and minimize disruption to persons who are uninvolved. The Department will employ only objectively reasonable crowd management and/or crowd control tactics with the intent to de-escalate the situation. Officers encountering such incidents shall adhere to this policy to protect all lives, property and the exercise of freedom of speech rights regardless of race, color, creed, religion, national origin or ancestry, sex, marital status, familial status, disability, public assistance status, age, sexual orientation, local human rights commission activity, physical or mental disability, veteran status, genetic information, citizenship, gender identity, political affiliation, or socioeconomic status. (See Department Policy 401 Racial/Bias Based Profiling.)

433.3 DEFINITIONS

Civil Disturbance. A gathering that constitutes a breach of the peace or any assembly of persons where there is a credible threat of collective violence, destruction of property, or other unlawful acts. Such a gathering may also be referred to as a riot or unlawful assembly:

- (a) **Unlawful Assembly. (Minnesota Statute 609.705).** When three or more persons assemble with the intent to commit any unlawful act by force; or with intent to carry out any purpose in such manner as will disturb or threaten the public peace; or without

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unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.

- (b) **Riot. (Minnesota Statute 609.71).** When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to a person or property.

Crowd Control. Techniques used to address civil disturbances, which may include police presence, crowd containment, crowd dispersal, and preparations for handling multiple arrests.

Crowd Control Protective Equipment. Worn in conjunction with the officer's standard equipment and includes the following:

- Ballistic helmet
- Clear face shield
- Chest protector with shoulder pads – a chest protector with “Duluth Police” on the front and back, and a white number on the left shoulder
- Groin and thigh protector
- Knee/shin/foot protector (one piece)
- Elbow pads – plastic over foam
- Forearm pads
- Clear shield
- 36-inch crowd control baton
- Body cameras mounted on the right shoulder

Crowd Management. Techniques used to manage lawful assemblies before, during and after the event for the purpose of maintaining their lawful status through event planning, pre-event contact with group leaders, issuance of permits when applicable, information gathering, personnel training, and other means.

Demonstration. A lawful assembly of persons organized primarily to engage in First Amendment activity. These may or may not be scheduled events that may or may not allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies.

Nonviolent Civil Disobedience. An unlawful assembly of persons organized to nonviolently engage in First Amendment activity.

Spontaneous Events. A public assembly which is not anticipated and for which the Department does not have adequate time to develop an operational plan or otherwise prepare for the event. A spontaneous event may or may not be lawful or may or may not create a risk to public safety and peace or damage to property.

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433.4 GENERAL CONSIDERATIONS

The plan outlined in this policy has operational flexibility, as it is impossible to create a policy to address all possible situations. The Department needs to be prepared to respond to both planned and spontaneous events. The attitudes necessary for managing crowds and civil disturbances include moderation, flexibility, controlled response, and professionalism. The listed procedures are a guide and not a substitute to sound judgment, proper command decision-making, and the desire of the Department to resolve civil disturbances in a peaceful fashion.

Law Enforcement personnel from other agencies, who respond to an event via mutual aid request, will only be used for purposes of crowd management and crowd control when the Department lacks sufficient personnel.

The primary objectives of the Department at a civil disturbance will be to:

- Protect persons, regardless of their participation in the disturbance
- Protect property in an equitable fashion that prioritizes the public wellbeing
- Disperse crowds that are disorderly or pose a credible threat of collective violence, destruction of property, or other unlawful acts in order to restore peace and order.
- Identify, remove, arrest and/or isolate persons inciting violent behavior.
- Insure individuals can legally exercise their First Amendment rights.

The following restrictions and limitations on the use of force shall be observed during demonstrations and civil disturbances:

- Canine units shall not be deployed for crowd control. (Canines may be on scene for other purposes such as tracking or bomb detection. See Canine policy #308 for further information.)
- Water cannons shall not be utilized in crowd control.
- Motor vehicles of any kind may be used to surround and direct persons as appropriate, but shall not intentionally be brought into contact with them.
- Impact projectiles shall be used only for the purpose of restraint or arrest of actively resistant individuals and only when the individual can be accurately targeted. Impact projectiles shall not be fired indiscriminately into crowds.
- OC spray or forms of tear gas shall not be used indiscriminately against groups of people where bystanders would be unreasonably affected, or against passively resistant individuals.
- Electronic Control Weapons (ECWs) shall be used only for the purpose of restraint or arrest of actively resistant individuals and only when the individual can be accurately targeted. ECWs shall not be fired indiscriminately into crowds.
- Firearms shall not be used for crowd control. Fully automatic weapons shall not be deployed by DPD in the vicinity of a crowd control situation.
- Electronic jamming devices or equipment shall not be used for crowd control.

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- Long-range acoustic devices or sound cannons shall not be used for crowd control.
- Crowd Control Protective Equipment shall only be used for its intended purpose.

The Department will avoid making mass arrests unless necessary.

When worn, Crowd Control Protective Equipment shall be worn in conjunction with the officer's standard equipment unless otherwise approved by the chief or designee.

433.5 ALLOCATION OF POLICE PERSONNEL

Police personnel will generally be allocated on a tiered response:

- Level One (1) – No police response required
- Level Two (2) – Uniformed police presence by invitation and/or for observation only
- Level Three (3) – Appropriate uniformed police response to ensure public safety
- Level Four (4) – Crowd Control Protective Equipment response. Equipment donned to include staging or deployment due to credible threat of civil disturbance involving potential violence to persons or property.

The Chief, or designee (See Organizational Structure policy #200), will decide the appropriate police response to both planned and spontaneous events up to and including level three (3). The Chief, or acting chief, will decide on level four (4). The Department will continuously reevaluate the situation for appropriate response.

Information to be evaluated in making a decision regarding level of response (1 – 4) includes, but is not limited to:

- Number of participants
- Anticipated participants Anticipated counter demonstrations
- Credible threat information (threat to public safety)
- History of this demonstration and participants
- Communications with event organizers (identifying needs)
- Location of event
- Date and time of event
- Other events taking place at the same time

After Action Reports:

The Citizen's Review Board shall be notified as soon as possible that a level 4 response has taken place. Subject to the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) and other applicable law, the following information shall be provided to the Citizen Review Board as soon as possible but not longer than 30 days following a level four (4) response to a planned or unplanned/spontaneous even. In addition, the same information shall be provided when any

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force used is greater than handcuffing a cooperative person in accordance with current use of force reporting requirements.

- Threat assessment narrative/rationale
- Number of officers deployed
- Equipment utilized
- Number of arrests and citations
- De-escalation techniques utilized
- Use of force Incidents
 - Was it used/why
 - Progression of use of force
 - Type of force
 - Demographics
- Injuries to civilians and officers
- Property damage
- Outcomes (crowd dispersal)
- Complaints regarding police response
- Lessons learned

433.6 PLANNED EVENT PREPARATION

The Department routinely evaluates planned, public events in order to ensure public safety. This may include:

- Outreach to group organizers or leaders.
- Consideration of the potential time, duration, scope and type of planned activities.
- Consideration of any other information related to the goal of insuring public safety and the peaceful demonstration of First Amendment rights.

Information will be obtained in a lawful manner and decision making shall not be based on the expressive content of the assembly or demonstration or the participant's race, color, creed, religion, national origin or ancestry, sex, marital status, familial status, disability, public assistance status, age, sexual orientation, local human rights commission activity, physical or mental disability, veteran status, genetic information, citizenship, gender identity, political affiliation, or socioeconomic status. (See Department Policy 401 Racial/Bias Based Profiling.)

434.6.1 Planned Event Operational Plans

The City of Duluth may impose reasonable restrictions on the time, place and manner in which persons engage in First Amendment activity. Based on the preparation information gathered on

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a planned event, the Department may develop an operational plan for police resources to insure public safety. For planned events that require a level three (3) or level four (4) police response, the Department shall prepare an Incident Action Plan. The Incident Action Plan will include information describing the event to insure accurate assignment of personnel and resources. The operational plan may include, but not be limited to:

- Type of event
- Date and time of event
- Location
- Permits issued
- Other planned, large-scale events taking place at the same time
- Number of participants
- Anticipated opposition to event if any
- Assembly areas and movement routes
- Anticipated actions, activities, or tactics including use of demonstrator devices designed to thwart arrest (for example dragon sleeves)
- Critical infrastructures in proximity to event
- Other agencies notified (for example fire and EMS)
- Mutual aid requested
- Off-duty personnel required
- History of conduct at similar past events
- Group leader cooperation level

The Incident Action Plan shall address provisions necessary for the effective utilization of resources and equipment such as:

- Command assignments and responsibilities
- Personnel, unit structure and deployment
- Liaison with demonstration leaders and impacted community stakeholders
- Liaison with outside agencies
- Release of information to the news media
- Transportation, support, and relief of personnel
- Staging areas for additional resources and equipment
- Traffic management
- Demonstrator devices, extrication teams, and equipment

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- First aid stations established in coordination with emergency medical service providers
- Transportation of arrestees
- Arrestee detention areas

433.7 SPONTANEOUS/UNPLANNED EVENTS

Unless, in the officer's discretion, there is a need for immediate intervention, the first officer on scene at an unplanned or spontaneous event shall contact a supervisor and communicate as much of the following available information as possible:

- Location
- Number of participants
- Apparent purpose of the event
- Event leadership if necessary
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability or need to continue monitoring the incident

The supervisor shall conduct an assessment of the event and determine the appropriate response to ensure the spontaneous event remains peaceful and protect the rights, lives, safety, and property of all individuals.

433.8 UNLAWFUL ASSEMBLY DISPERSAL

Upon a determination by the Chief, or designee, that public safety is at risk or an assembly is deemed to be unlawful, a civil disturbance, or a riot, the crowd may be disbursed. Before ordering forced dispersal, lesser alternatives will be considered, and where possible or practical, implemented. These lesser alternatives include:

- Establish contact with crowd leaders to assess their intentions and motivations, and develop a mutually acceptable plan for de-escalation and dispersal.
- Communicate to participants that their assembly is in violation of the law and that the Department wishes to resolve the incident peacefully, but that acts of violence will be dealt with swiftly and decisively.
- Negotiate with crowd leaders for voluntary dispersal, or target specific violent or disruptive individuals for arrest.

When the Chief or designee makes a determination that forced crowd dispersal is the only alternative, and where time and circumstances permit, a warning shall be given prior to any action to disperse the crowd. The warning shall consist of:

- (a) An announcement citing the offenses and violations being committed;
- (b) An order to disperse;
- (c) Designated dispersal routes;

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- (d) Information about what law enforcement actions will take place if illegal behavior continues

When time and circumstances permit, a second and third warning will be given at reasonable intervals before designated actions are taken to disperse the crowd. The warnings shall also be either audio or video recorded and the times of the warnings documented. A reasonable amount of time to disperse should be allowed following a dispersal order.

Specific crowd dispersal tactics shall be ordered, as necessary, where the crowd does not heed warnings. The Department will continually assess the crowd's compliance and adjust tactics appropriately with the understanding that some participants may have difficulty complying due to cognitive ability, mental health issues, or different physical abilities.

434.8.1 Non-Violent Civil Disobedience

In cases of non-violent civil disobedience where there is no credible threat of violence, participants will not be dispersed by force. In accordance with applicable law, reasonable force may be employed to arrest those engaged in non-violent civil disobedience.

When a determination has been made to arrest those engaged in non-violent civil disobedience, and where time and circumstances permit, a warning shall be given prior to the commencement of arrests. The warning shall consist of:

- (a) An announcement citing the offenses and violations being committed;
- (b) An order to disperse;
- (c) Designated dispersal routes;
- (d) An indication that individuals who do not disperse will be subject to arrest.

When time and circumstances permit, a second and third warning shall be given at reasonable intervals before arrests commence. The warnings shall also be either audio or video recorded and the times of the warnings documented. A reasonable amount of time to disperse should be allowed following a dispersal order.

433.9 USE OF FORCE

When engaged in crowd management and crowd control, the Department is governed by current department policies and applicable law (see the following policies: Use of Force #300, Control Devices #302, Conducted Energy Device#303, and Custodial Transportation #312).

Fleet Recording Systems (FRS)

434.1 PURPOSE AND SCOPE

The Duluth Police Department has equipped law enforcement squad cars with Fleet Recording System (FRS) technology. The purpose of this policy is to provide guidelines for the use, management, access, storage, retrieval, and retention of FRS audio-visual media data as prescribed by law.

434.2 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the Fleet Recording System (FRS) system to transmit or store audio-visual signals.

Fleet Recording System (FRS) - A device mounted in a Duluth Police vehicle capable of both video and audio recordings of the LEO's activities and interactions with others or collecting digital multimedia evidence as part of an investigation as provided in Minn. Stat. §13.825. The Fleet Recording System may have cameras mounted in forward facing and rear facing positions.

Law Enforcement Operator (LEO) - Primarily a licensed peace officer, but on occasion may be a non-licensed representative of the Duluth Police Department who is authorized and assigned to operate Fleet recording system (FRS) equipment.

MGDPA - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

PODPA – The Peace Officer Discipline Procedures Act, Minnesota Statutes Section §626.89.

Property and Evidence Technician - Personnel certified or trained in receiving and storing evidence and property, maintaining property inventory reports with proper "chain of custody" notations and any and all actions associated with the property or evidence.

Fleet Recording System (FRS) Administrator – Typically a Sergeant or a designee, who assigns, tracks, and maintains FRS equipment, oversees needed repairs or replacement equipment through the vendor, controls user rights and access, and acts as a liaison with the vendor.

Fleet Recording System (FRS) Technician - Personnel certified or trained in the operational use and repair of FRSs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Recorded media – Audio-visual signals that are recorded or stored.

Records Retention Schedule - Refers to the General Records Retention Schedule for Minnesota Cities.

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434.3 POLICY

It is the policy of the Duluth Police Department to authorize the use of Fleet Recording System (FRS) technology to more effectively fulfill the Department's mission and to ensure these systems are used securely, safely, efficiently and in compliance with the law.

434.4 FRS OPERATIONAL OBJECTIVES

The Duluth Police Department has adopted the use of Fleet Recording System (FRS) technology to accomplish the following objectives:

- A. To enhance LEO safety.
- B. To document statements and events during the course of an incident.
- C. To enhance the LEO's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- D. To preserve visual and audio information for use in current and future investigations.
- E. To provide a tool for self-critique and field evaluation during LEO training.
- F. To enhance the public trust by preserving factual representations of LEO-citizen interactions in the form of recorded media.
- G. To assist with the defense of civil actions against LEO's and the City of Duluth.
- H. To assist with the training and evaluation of officers.

434.5 LEO RESPONSIBILITIES

Law Enforcement Officer safety shall be the primary consideration for the use and activation of the FRS system. LEO's that use a Duluth Police vehicle equipped with FRS will log into the FRS system at the start of every shift and log out at the end of every shift. LEO's may use only Department-issued FRSs in the performance of official duties for the Duluth Police Department or when otherwise performing authorized law enforcement services as an employee of this Department.

Inspection of FRS equipment shall be the responsibility of the LEO to whom the FRS is assigned and performed at the beginning of each shift. If the FRS system is malfunctioning, damaged or stolen, the LEO shall, as soon as reasonably possible, notify a supervisor. Supervisors shall, as soon as reasonably possible, take action to address malfunctions and document the steps taken.

434.6 DOCUMENTATING FRS USE

LEO's must document FRS use and non-use as follows:

- Whenever an LEO makes a recording, the existence of the recording shall be documented in the LEO's report or CAD record/other documentation of the incident.
- Whenever an LEO fails to record an incident that should be recorded under this policy or captures only a part of the activity, the LEO must document the circumstances and reasons for not recording in the LEO's report or CAD record/other documentation of the incident.

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434.7 REQUIRED ACTIVATION OF THE FRS

This policy is not intended to describe every possible situation in which the FRS system may be used, although there are many situations where its use is appropriate. An LEO may activate the system at any dispatched call, on view, or contact in which its use is appropriate.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, even when the incident may be outside of the video range, the LEO is encouraged to activate the FRS to capture the audio portion of the incident.

Officers need not activate their FRS system when it would be unsafe, impossible, or impractical to do so, but such instances of not recording when otherwise required must be documented as specified in this policy. LEO's shall activate the FRS system when anticipating that they will be involved in, or become involved in, or witness other officers of this Department involved in the following circumstances:

- Terry stop of a motorist or pedestrian;
- priority responses;
- seizures or arrests;
- consent to search or initial execution of a search warrant;
- physical or verbal confrontations;
- use of force;
- crimes in progress;
- when ordered by a supervisor for proper purposes;
- any situation or incident that the officer, through training and experience, believes should be audibly and/or visually preserved, unless such recording is otherwise prohibited.
- when an employee is the victim, witness, or subject of a criminal investigation, or
- when involved in crowd control and management situations, or wearing crowd control protective gear.

LEOs may, in the exercise of sound discretion, determine to use their FRS's to take recorded statements from persons believed to be victims of and witnesses to crimes, and the persons suspected of committing crimes, considering the needs of the investigation and the circumstances pertaining to the victim, witness or suspect.

LEOs should use their FRS's to record their transportation and the physical transfer of persons in their custody to hospitals, detox and mental health care facilities, juvenile detention centers, and jails.

LEOs should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the LEO that such privacy may outweigh any legitimate law enforcement interest in recording.

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Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. LEOs have discretion to record or not record general citizen contacts.

In addition, LEOs need not record persons being provided medical care unless there is reason to believe the recording would document information having evidentiary value. When responding to an apparent mental health crisis or event, FRSs shall be activated as necessary to document any use of force and the basis for it, and any other information having evidentiary value.

LEOs have no affirmative duty to inform people that a FRS system is being operated or that the individual is being recorded.

434.8 AUTOMATIC ACTIVATION OF THE FRS

FRS is designed to have multiple manners in which automatic activation (Axon Signal) will occur. These automatic activations are controlled by pre-set settings as part of their integration with a police vehicle.

FRS will automatically activate the video and audio capabilities of the forward mounted FRS in the following circumstances:

- (a) Activation of emergency vehicle lights.
- (b) Surpassing 80 miles per hour (mph)
- (c) When sensors detect very high sudden changes in acceleration/deceleration usually associated with accidents or crashes.

FRS will automatically activate the video and audio capabilities of the transport seat facing mounted FRS in the following circumstances

- (a) Opening the door for the transport seat compartment.

It should be known that whenever the FRS is activated, the previous 60 seconds of video will be captured. Audio will begin being captured at the time of FRS activation. The FRS will continue to record until manually deactivated by the officer.

434.9 CESSATION OF RECORDING

Once activated, the FRS system should remain on until the incident has concluded unless:

- (a) the incident or event is of such duration that the FRS is deactivated to conserve storage capacity;
 - (b) the officer does not reasonably believe that deactivation will result in the loss of critical evidence;
 - (c) deactivation is reasonable and necessary to protect the safety of the officer or others;
 - (d) deactivation is approved or ordered by a supervisor or officer having charge of a scene;
- or

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- (e) deactivation is necessary to protect the identity of persons or other data entitled to protection under the MGDPA or other law.

For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and witnesses and victims have been interviewed. Recording may be temporarily paused or the audio muted to exchange information with other LEOs, legal counsel, or the lens obstructed to avoid capturing images of undercover officers, informants, or citizens where based on the training, experience and judgement of the officer, a recording would not be appropriate or consistent with this policy. The intention to pause and resume the recording (or to mute audio or obstruct the lens) will be noted by the LEO either verbally on the FRS or in a written report. Recording may cease during non-enforcement activities. When a squad car is stopped in a traffic flow area such as a driving lane or road shoulder, officers are encouraged to activate, and keep the FRS recording activated while in that stopped position. This would not include times in which a squad car is parked in a legal parking site along the side of a roadway.

Physical deactivation is completed in one of two manners. Pressing and holding the activation button in a manner similar to a BWC or using the Axon computer program usually associated with a laptop computer mounted inside the police vehicle.

434.10 WHEN ACTIVATION IS NOT REQUIRED

Activation of the FRS system is not required when exchanging information with other LEOs or during breaks, lunch periods, or when not in service or actively on patrol.

434.11 PROHIBITED RECORDING

An FRS shall not be activated with regard to interactions solely among other employees.

The FRS shall not be used to record non-work related activity.

LEO's shall not use any external device to record media that has been captured by the FRS, nor should they allow any person to record such media.

LEO's may cease recording at the St Louis County Jail garage, once a prisoner has been removed from the transport seat and transferred to the custody or control of the St Louis County Jail staff.

434.12 SUPERVISOR RESPONSIBILITIES

Supervisors should assess that:

- A. LEOs are using their FRSs in accordance with Department policies and procedures.
- B. Logs reflect the proper chain of custody, including:
 - 1. The tracking number of the FRS system media.
 - 2. The date it was issued.
 - 3. The LEO to whom it was issued.
 - 4. The date it was submitted.
 - 5. LEO submitting the media.

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6. Holds for evidence indication and tagging as required.
- C. It is recommended that the operation of FRS systems by new employees is assessed and reviewed no less than biweekly or until the new employee demonstrates a working knowledge of the FRS system and the applicable policies and procedures.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer involved shootings, Department-involved collisions), a supervisor should respond to the scene and ensure recorded media is secured in accordance with Department policy. The media shall be processed and retained in accordance with current policy and procedures.

434.13 DOWNLOADING AND LABELING FRS DATA

Each LEO using an FRS is responsible for assuring the proper transfer of the data from their FRS to the electronic FRS storage software. Duluth Police vehicles equipped with FRS will automatically connect remotely when they are in proximity to predetermined wireless access points at certain Duluth Police buildings.

If an emergency incident such as a shooting, in-custody death, or other law enforcement activity resulting in the death or great bodily harm, a supervisor, shift commander, or assigned investigator shall take custody of the Duluth Police vehicle and assure the FRS data is downloaded into FRS storage software. If an incident like this occurs, the Duluth Police vehicle should only be moved when it is appropriate or authorized to be done.

LEOs should label the FRS data files at the time of video capture or transfer to storage, and should consult with a supervisor if in doubt as to the appropriate labeling. LEOs should assign as many of the following labels as are applicable to each file:

- A. Arrest/Investigations - The video involves the physical arrest of an individual and/or the transport of an individual to jail. The video is part of an investigation that the LEO believes is necessary to retain.
- B. Citation - The recording is of an event surrounding the issuance of a citation.
- C. Restricted - The recording is sensitive in nature or the officer believes it is important to save for future use, such as Internal Investigations and potential complaints against an officer or the department. This label is also used when the event involved the application of force by an LEO or the discharge of a firearm. An officer may use this category in addition to another category.
- D. Interview - The recording is of an interview of a suspect, witness, or victim by an officer.
- E. Use of Force - This label is used by the LEO when the event involved the application of force or the discharge of a firearm that also requires use of force reporting as defined by policy. This label should be used in combination with Arrest/Investigations or Citation if the aforementioned force situation occurred during the apprehension of the individual.
- F. Pending Review - Manufacturer's label for a video which may have technical issues regarding the recording.

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- G. Uncategorized - The recording does not contain any of the foregoing categories of information and has no apparent evidentiary value. Recordings of general citizen contacts and unintentionally recorded footage are not evidence.

Labeling may be corrected or amended based on additional information.

434.14 ACCESS TO FRS DATA

All recorded media, recorded images and audio recordings are the property of the Department and are government data subject to the provisions of the MGDPA. Dissemination outside of the Department is strictly prohibited except to the extent permitted or required under the MGDPA, PODPA or other applicable law.

A. Classification of FRS data. Except for data classified as public under subdivisions 2, 3 and 6 of Minnesota Statutes §13.82, FRS data that are collected or created in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense, are confidential or protected nonpublic while the investigation is active. Data which are part of an inactive investigation and which are clearly offensive to common sensibilities are classified as private or nonpublic data, provided that the existence of the images and recordings shall be disclosed to any person requesting access to the inactive investigative file.

Inactive FRS data are classified as public except under the following circumstances:

1. The release of the data would jeopardize another ongoing investigation;
2. The release of the data would reveal the identity of individuals protected under law; or
3. The data are classified as other than public under §13.82 or other applicable law.

B. Access to FRS data by non-employees. Officers shall refer members of the media or public seeking access to FRS data to the data practices designee, who shall process the request in accordance with the MGDPA and other governing laws.

C. Access by peace officers and law enforcement employees. No employee may have access to the Department's FRS data except for legitimate law enforcement or data administration purposes. Officers may access and view stored FRS video only when there is a business need for doing so, which includes the following:

1. For use when preparing reports or statements or providing testimony;
2. To assess proper functioning of FRS systems;
3. By Department investigators assigned to a related criminal investigation, or after approval of a supervisor, for official investigations;
4. By a LEO who is captured on or referenced in the video or audio data and reviews and uses the data for any purpose relating to his/her employment; or
5. When reasonable and necessary for the officer to perform the essential functions of his/her job or to defend against allegations of substandard performance or misconduct.

LEOs shall not make a copy of any FRS data except in compliance with this policy.

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Fleet Recording Systems (FRS)

The Department shall restrict by password protection access to all FRS data and will maintain an electronic record of the date, time and name of each employee who accesses the data.

In no event shall any FRS data be used or shown for the purpose of ridiculing or embarrassing any employee.

D. Other authorized disclosures of data. LEOs may display portions of FRS footage to witnesses as necessary for purposes of investigation as allowed by Minn. Stat. 13.82. LEOs should generally limit these displays in order to protect against the incidental disclosure of individuals whose identities are not public. Protecting against incidental disclosure could involve, for instance, showing only a portion of the video, showing only screen shots, muting the audio or playing audio but not displaying video. In addition:

- (a) FRS data classified as other than public may be shared with other law enforcement agencies only for legitimate law enforcement purposes that are documented in writing at the time of the disclosure.
- (b) FRS data shall be made available to prosecutors, courts and other criminal justice entities as provided by law.
- (c) With the approval of the Chief of Police, the Department may make any data classified as confidential or protected nonpublic pursuant to Minn. Stat. 13.82 subdivision 7 accessible to any person, agency or the public if the Department determines that the access will aid the law enforcement process, promote public safety or dispel widespread rumor or unrest, consistent with Minn. Stat. §13.82 subdivision 15.

434.15 AGENCY USE OF DATA

Supervisors and other assigned personnel may access FRS data for the purposes of reviewing or investigating a specific incident that has given rise to a complaint or concern about LEO misconduct or performance. Nothing in this policy limits or prohibits the use of FRS data as evidence of misconduct or as a basis for discipline. The FRS is not intended to be used for the purpose of surveillance of officers or initiating disciplinary action against an officer.

LEOs should contact their supervisors to discuss retaining and using FRS data for training purposes. LEO objections to preserving or using certain data for such purposes will be considered on a case-by-case basis. Field training officers may utilize FRS data with trainees for the purpose of providing coaching and feedback on trainees' performance.

434.16 FRS RECORDINGS AS EVIDENCE

Officers who reasonably believe that an FRS recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Duluth Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

434.17 FRS DATA RETENTION

All FRS data shall be retained in accordance with the City's Record Retention Schedule.

434.18 PROPERTY AND EVIDENCE TECHNICIAN RESPONSIBILITIES

The Property and Evidence Technician is responsible for:

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- (a) Retrieving, storing, erasing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight. Once collected the Property and Evidence Technician:
 - 1. Ensures it is stored in a secured location with authorized controlled access.
 - 2. Makes appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies.
- (d) Ensuring that an adequate supply of recording media is available.
- (e) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the Records Retention Schedule.

434.19 SYSTEM OPERATIONS STANDARDS

FRS system use should be based on LEO safety requirements and device manufacturer recommendations.

The FRS system should be configured to record no more than 60 seconds prior to an activation.

The FRS system should not be configured to record audio data occurring prior to activation.

With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the FRS system.

LEOs shall not intentionally erase, alter, modify or tamper with FRS data. Only a supervisor, FRS administrator, FRS technician or other approve designee may erase media in accordance with this policy.

434.20 TRAINING

Users of the FRS system and supervisors shall successfully complete an approved course of instruction prior to being deployed with FRS systems in operational settings.

434.21 USE OF PERSONAL DIGITAL RECORDING DEVICES

LEOs are prohibited from using personal video recording equipment in lieu of their Department-issued FRSs while on-duty. However, the Department recognizes that, in rare or unforeseen situations, it may be necessary for LEOs to use their personal video recording equipment to record or collect evidence. In such an event, the LEO must upload that media into Tyler Records or save to a DVD and place into evidence in accordance with Department policy and procedure.

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Fleet Recording Systems (FRS)

434.22 COMPLIANCE

Supervisors shall monitor for compliance with this policy. The unauthorized access to or disclosure of FRS data may constitute misconduct and subject individuals to disciplinary action and criminal penalties pursuant to Minn. Stat. §13.09 or other applicable law.

Traffic Stops

435.1 POLICY/PUPOSE

Routine enforcement of traffic laws is a basic function that all Police Officers perform. Understanding that traffic stops are fluid, officers should, when practical, follow prescribed procedures when stopping and approaching violators.

435.2 PROCEDURE

LOW OR UNKNOWN RISK STOPS;

After developing probable cause or determining that an investigatory stop is warranted, follow the outlined procedure as close as is practical. While stopping and approaching vehicles, always practice sound tactics.

PREPARATION FOR THE STOP:

Visually examine the vehicle, its plate, the number of passengers, and their activity. Begin to give traffic stop information to the St Louis County Emergency Dispatch. If for any reason before or during a traffic stop the officer believes the stop may be more than a low risk stop, request back-up.

- Choose a stop location that gives officers a tactical advantage if possible.

THE TRAFFIC STOP;

- Use external emergency lights, spot lights and/or sirens to signal the offending vehicle to pull to the right.
- Avoid pulling up alongside the vehicle to signal it to stop.
- Position the police unit offset behind the vehicle being pulled over.
- Give Dispatch the location and plate number of the vehicle. Give a description of the vehicle if no plate is visible

APPROACHING THE DRIVER;

- Check for oncoming traffic prior to exiting the vehicle.
- While approaching the vehicle, avoid walking in the flow of traffic.
- Officers should position themselves in a tactical stance to observe and communicate with any and all occupants.
- If two officers are on a traffic stop, one will act as a cover officer – taking up a tactical position

INITIAL CONTACT;

- Be authoritative, polite and professional in all contact with motorists.
- Identify yourself.
- Tell the motorist the reason for the stop.

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- Request license and insurance.

COMPLETION OF PAPERWORK AND STOP;

- Be alert and look up frequently to observe the stopped vehicle's occupant(s). This includes, but is not limited to:
 - Using the mobile data computer (MDC) to:
 - Checking driver's license
 - Wanted person status
 - License plate status
 - Prepare citations
 - All officer will fill out the stop data module in Tyler for a traffic stop, subject stop or pursuit. The following information will be filled out:
 - Perceived Race by officer
 - Sex
 - Call source
 - Reason for stop
 - Search
 - Location/person searched
 - Items located
 - Recorded
 - Action taken by officer:

HIGH RISK/FELONY STOP:

Special procedures should be used in vehicle stops that are considered high risk, commonly referred to as a felony stop. When a Police Officer determines it is necessary to initiate a high-risk vehicle stop officers will notify JCA immediately of their location giving a thorough description of the vehicle and the occupants. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop. Officers will keep secondary units informed of the location and direction of travel to facilitate their approach. A felony stop is a fluid and evolving event. Officers need to be able to change tactics in response to the circumstances they are presented. The fundamental elements of the high-risk traffic stop are as follows:

- Have at least one secondary unit on scene.
- Initiate traffic stop, position the primary vehicle behind, and slightly off-center of the suspect vehicle.
- The first secondary vehicle will position itself beside the initial stopping unit, leaving enough room for safe tactical maneuvers between the two vehicles.

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- Any or all other police vehicles will position themselves to provide cover for the primary and first secondary units. Police vehicles will have their rear flashing, and/or arrow sticks on to direct traffic around the scene.
- Police vehicle lights should be focused on the suspects' vehicle to provide a tactical advantage.
- An officer will assume control of the stop and issue initial verbal commands.
 - These commands may be transferred to another officer if necessary.
- Using the loud speaker if necessary, direct the occupants to put their hands in plain view.
- Order the driver to throw the keys out of the window or place them on the roof of the vehicle.
- The secondary officers will maintain a cover position - with service weapon, shotgun, or rifle drawn - covering all vehicle occupants and securing both sides of the suspect vehicle.
- Prior to ordering suspects from the vehicle, if possible, officers should:
 - Ensure there are enough officers to control the scene.
 - Request K9.
 - Assign which officer will be handcuffing.
 - Assign which officer(s) will cover the subjects in the suspect's vehicle.
- Once all suspects in the vehicle are covered and areas of responsibility are assigned, the occupants may be ordered from the vehicle one at a time.
- The driver is generally removed first, followed by the front seat passengers, then the rear passengers.
- After exiting the vehicle, suspects should be made to walk backwards with hands stretched out to their sides or in the air until they get to a safe point chosen by the officer.
- The contact officer will determine the safest position to place the suspect in for handcuffing.
- One contact officer will handcuff, and pat down the suspect for weapons.
 - The remaining officer(s) should remain in a cover position, covering the suspect vehicle.
- Place the occupant in the rear of a patrol car.
- Keep occupants separate if at all possible.
- Ask the detainees if there are:
 - Any weapons in the vehicle
 - Additional occupants or someone hidden in the car.

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- Once all suspects are believed to be out of the vehicle, at least two officers will cautiously approach and clear the vehicle to ensure that no one is concealed in the vehicle.
 - If possible, an officer may cover the car from a more offset position.

Officers in this position should use a long gun and be located behind suitable cover.

CALEA 61.1.7

Chapter 5 - Traffic Operations

Traffic Function and Citations

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventative patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.1.1 TRAFFIC CITATION RECORDS SYSTEM AND MAINTENANCE

A traffic citation shall be utilized when an offender is charged with a traffic offense unless classified as a gross misdemeanor or felony.

Traffic citations are issued electronically. Each electronic citation shall be issued a unique number by the system. Employees shall not delete citations from the system, if an error is made, the citation shall be voided.

Citations are electronically transferred to the Records Management System, the State of Minnesota, and the appropriate court.

When necessary due to failure of electronic equipment, hard copy citations may be issued to violators. Information from the hard copy shall be entered into the ticket writing software system.

Patrol Supervisors shall maintain a validation procedure for citation books issued and accounting of all citations used, not used, and voided. When an officer requests a citation book, the issuing Supervisors will log at minimum:

- (a) The date and time issued
- (b) The officer's name and PIN number
- (c) The sequence of ticket number in the citation book

Patrol Supervisors are responsible for monitoring citation book usage and making sure it is appropriate. If an officer voids a paper citation, the voided citation must be handed into a supervisor.

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500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Duluth Police Department. Information provided by department analysts is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of high-collision incidence and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions (Minn. Stat. § 169.985 and Minn. Stat. § 299D.08):

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

Verbal warnings are also appropriate for minor violations of newly enacted legislation. An explanation is provided concerning the requirements of the new law.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

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- (d) The court contact information.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

Whenever a citation is issued, an ICR number must be assigned and written in the blank provided. This does not include parking citations. The issuance of an ICR number to all citations references them to any other citations or reports on a single incident. Incidents that are separate but related should be cross-referenced to each other by ICR number (13-000001 XR 13-000002). The following information is required on all citations:

- ICR Number,
- Full name of recipient,
- Date of birth,
- License plate number (or VIN#),
- State statute or City Ordinance number,
- Name and badge number of officer, and
- Notes on the back of the citation or CAD comments. Notes must include probable cause for the traffic stop and factual basis of the offense.

If CAD notes are used, rather than notes on the back of the citation write (CAD NOTES) in the notes section on the back of the citation, and attach a copy of them to the citation.

Completed citations are placed in the designated bin in the Patrol Report Writing room and should include:

- The citation on top,
- Copy of driving record,
- Copy of registration, and
- CAD notes if they are used in lieu of notes on the back of the citation.

500.3.4 PHYSICAL ARREST

A custodial arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (Minn. Stat. § 169.91):

- (a) Negligent homicide.
- (b) Driving under the influence of alcohol/drugs.
- (c) Hit-and-run resulting in serious injury or death.
- (d) Hit-and-run resulting in damage to any vehicle or property.

Gross Misdemeanor Violations:

Gross misdemeanor violations require a complaint/summons be issued, and therefore cannot be charged by citation. If any of the violations is a gross misdemeanor do not issue any citations. All of the violations will be included in the complaint.

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Misdemeanor Violations:

A custodial arrest (citations are issued) may be made for a misdemeanor only to:

- ensure the defendant's appearance in court;
- prevent criminal conduct; or
- prevent bodily harm.

500.3.5 NON-RESIDENT VIOLATORS

Violations committed by out-of-state residents are controlled by M.S. 169.91, Subd. 4 (a) and (b), which states that if a non-resident commits a violation, and is a resident of a state which has a reciprocal agreement with Minnesota, they will not be required to post bail unless:

- (a) Conviction of the offense would result in the revocation of driving privileges.
- (b) The offense involves highway weight limitations or hazardous materials.
- (c) The offense is driving without a license.

The Traffic Unit maintains a current list of states with reciprocal agreements with the State of Minnesota (see Appendix "A" for a list of the current states having reciprocal agreements with the State of Minnesota). Persons from states that do not have a reciprocal agreement may be required to post bail at the county jail. The officer may escort the individual to the jail for this purpose.

500.3.6 JUVENILE OFFENDERS

Citations are issued to juveniles.

The Juvenile Division of the County Attorney's Office prosecutes in the following instances so the court date is "to be set":

- All violations committed by persons up to and including fifteen years of age,
- Major violations committed by 16 and 17 year olds defined as misdemeanors and gross misdemeanors (including reckless driving, careless driving, hit and run, no insurance, driving after revocation, driving after suspension, driving after cancellation, no valid driver's license). (Does not include DWI's committed by 16 and 17 year olds).

Adult court handles the following violations committed by juveniles (16 and 17 year olds):

- Petty misdemeanor violations, and
- DWI's committed by 16 and 17 year olds, and any traffic offenses committed as one course of action with the DWI.

500.3.7 SPECIAL SITUATIONS

a. Diplomats

Foreign diplomats and consular officials have diplomatic immunity which is covered by federal law in the Diplomatic Relations Act of 1978. This immunity does not mean the officer is prohibited from conducting an investigation; in fact the State Department encourages a thorough investigation so they are able to take action through diplomatic channels.

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b. Military Personnel

Military personnel do not enjoy any special status and will be treated as the officer would treat any other person. If there are exceptional circumstances, the officer's unit leader or someone from the Traffic Unit can assist.

c. State Legislators

Minnesota state legislators do not have immunity from being arrested and enforcement practices will apply to them equally.

500.3.8 SPECIFIC SITUATIONS

1. Speeding Enforcement/Radar

Motorists determined to be speeding may be issued a verbal warning or a citation depending upon the circumstances. A few circumstances to consider are:

- The speed compared to the speed limit;
- Traffic volume;
- Pedestrian traffic volume;
- Road conditions;
- Weather conditions; and
- Location (residential area, business district, etc.)

Radar units are preassigned to patrol squads. All radar units are installed in accordance with the manufacturer's instructions.

M.S. 169.14, Subd. 10, requires radar operators to:

- Have sufficient training to operate the equipment;
- Testify to the manner in which the radar was set up;
- Testify to the manner in which the radar was operated;
- Operate the unit with minimal interference; and
- The unit's calibration must be checked externally and documented.

Officers using other electronic speed measuring devices must have appropriate training to accurately operate the device. All devices are maintained, stored, and operated in the method required by the manufacturer.

2. Equipment Violations

Equipment violations can be handled by a verbal warning or a citation.

3. Driving While Impaired Violations

DWI violations will be handled as directed in Policy 504.

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4. Driving After Revocation/Driving After Suspension

When a motorist who has been stopped for a violation is either revoked or suspended, a citation will be issued. Information is gathered to complete an ARREST REPORT. If the vehicle is insured, has current registration, and a licensed driver immediately available whom the owner will allow to drive, the car may be released to that person.

If the vehicle is towed, the officer will complete a Department Tow Slip. Disposition of the violator is also up to the discretion of the officer and a custodial arrest may be made, or the person released after issuing the citation.

5. Public Carrier/Commercial Vehicles

Public carrier and commercial vehicle violations may be handled by verbal warning or citation. The Minnesota State Patrol Commercial Vehicles Compliance Section can be of assistance when dealing with commercial vehicles. If necessary or desired, they may be contacted on accidents involving public carrier or commercial vehicles at any time an enforcement action is being contemplated.

6. Off-road Vehicles

a. Registration

All motor vehicles, as defined in Minnesota Statute 169.01, Subd. 3 as any self-propelled vehicle, must be registered in accordance with state law in order to be operated upon any public street or highway (M.S. 169.79).

Unregistered vehicles are removed from the roadway by the person in possession of the unregistered vehicle, or by the officer, at the officer's discretion.

City Ordinance Section 33-236 requires that all snowmobiles owned or operated within the City must be registered. Citations may be issued, or verbal warnings given, depending upon the circumstances.

b. Operator's License

All operators of motor vehicles must have a valid operator's license or certification for the vehicle which they are driving (M.S. 171.02, Subd. 1.)

City Ordinance 33-226 prohibits operation of a snowmobile by a driver under the age of fourteen upon a public street or while crossing a public street. Operators between the ages of 14 and 18 must have a snowmobile safety certificate to operate upon a public street. Snowmobiles are regulated by M.S. 84.81 - 84.89. All-terrain vehicles are regulated by M.S. 84.92 - 84.94.

Vehicles operated by unlicensed persons, or person without proper certification, are to be removed from the roadway. They may be removed by a licensed driver, the parents of a juvenile operator, or by the officer, at the officer's discretion. Citations or verbal warnings may be issued. It is appropriate to notify the parents of juveniles even if citations are not issued.

c. Crash Investigation

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The Department investigates motor vehicle crashes which occur on private property. The driving while intoxicated and reckless driving statutes are applicable on private property and officers are to take the same enforcement actions they would take on public streets.

d. Implied Consent Advisory

The implied consent advisory for snowmobiles and all-terrain vehicles is different from that used for other motor vehicles (M.S. 84.91). It is available in the intoxilyzer room and the Traffic Bureau.

7. Request for Examination of Driver

During the course of normal activities relating to patrol, officers come into contact with drivers who appear to be incompetent drivers because of some mental or physical condition. If the condition leads the officers to believe that the person is not capable of operating the motor vehicle, the officer will fill out a "Request for Examination of Driver" (D.P.S. 31924) form and turn it in to the Records Disseminator. No other report or citation is necessary unless the situation requires or warrants one.

8. Parking Enforcement

The Department employs parking enforcement personnel to enforce parking regulations, primarily in the downtown area. Patrol squads are also expected to enforce parking regulations, other duties permitting. Periodically, certain areas may be targeted by unit leaders as needing additional enforcement and patrol squads are expected to monitor those areas

9. Insurance Enforcement

Minnesota requires insurance for all motor vehicles parked or operated on public streets or highways. Motorists are required to provide proof of insurance upon demand of a police officer.

If the owner/driver does not have insurance they are charged as follows:

- If owner and driver M.S. 169.797-2
- Driver M.S. 169.797-3
- Owner M.S. 169.797-2

If the owner/driver claims to have insurance but does not have proof they are charged as follows:

- If owner and driver M.S. 169.791
- If driver not owner M.S. 169.791
- If owner not driver M.S. 169.791

10. Multiple Violations

Officer discretion should be used when dealing with individuals with multiple violations. The circumstances and seriousness of the violations should be taken into consideration.

11. Pedestrian and Bicycle Violations

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Officers will enforce Duluth City Code and Minnesota State Statutes violations by pedestrians and bicycles in the same manner as motor vehicle violations.

13. Adverse Road and Weather Conditions

Adverse road and weather conditions may include, but are not limited to:

- Hazards such as;
 - Accident debris
 - Downed power lines
 - Fallen trees/tree limbs
 - Disabled vehicles
 - Serious or fatal car accident investigations
- Acts of nature hazards;
 - Fog
 - Flooding
 - Snow and Ice
- Engineering hazards;
 - An extensive water main break
 - A hazardous cavity or buckling of the roadway
 - Power outages to traffic control devices

Upon discovering an adverse road or weather condition affecting safe roadway travel, officers. Should notify Dispatch in order that the proper notification may be made to correct the situation. Depending upon the circumstances, officers also may need to;

- Warn traffic by means of squad car emergency lights
- Request additional units
- Advise Dispatch to request MNDOT to warn traffic with the use of overhead signs on Interstate Highways if applicable
- Use traffic cones
- Request warning signs and barricades from Duluth Public Works, St. Louis County Public Works, or MNDOT
- Temporarily close or reroute traffic
- Other pertinent actions, as necessary

Officers will provide traffic direction and scene protection in the vicinity of adverse road and weather conditions, until the problem is corrected or protected by temporary traffic control devices.

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- Information concerning ongoing and developing hazards which have been identified will be disseminated at roll call, via radio communications, via Mobile Data Computer (MDC), or by any on-duty supervisor or other department member as needed.

13. Escorting Vehicles

Requests for non-emergency escorts should be referred to the Traffic/Crime Scene Investigation Unit Sergeant. Escort Services may be provided in situations where such services would be advantageous to traffic control and direction. If necessary, members of the Duluth Police Department will be assigned to key intersections to ensure safe passage. Escorts may include, but are not limited to;

- Motorcades
- Funerals
- Parades

The Duluth Police Department does not provide oversight for private escort services or oversized vehicles and hazardous cargo carriers. Officers will not provide escorts for the following:

- Individuals requesting a police/medical escort for a medical emergency.
 - Officers should notify Dispatch and request medical assistance
 - Depending upon the circumstances, officers may consider allowing the citizen to continue on without delay.
- Any additional emergency vehicles including but not limited to ambulances and fire trucks.
 - This exclusion does not apply to authorized motorcades.

14. Assistance to Stranded Motorists

While assisting with stranded motorists, Duluth Police Officers will:

- See to the general welfare of subjects involved.
- Assist in ensuring that subjects are safe on the scene of an incident. This may be accomplished by:
 - Positioning their squad car in a reasonable manner and use emergency lighting to warn other traffic.
 - Offering to have subjects sit in a police vehicle until the subjects can be moved or an alternate transportation arrives.
 - Determining a tow will take place at an alternate time.
 - Giving a ride to a safe location if needed.
 - Mileage must be given over the radio.
- Assist in obtaining towing or repair services for the subjects with disabled vehicles.
- Call for other services needed such as area ambulance, or the fire department.

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500.3.8(2) NON-MOVING VIOLATIONS

Officers may use discretion to warn or cite for equipment and other non-moving violations.

- (a) Extreme safety issues may require officers to prevent a vehicle from being operated and to have the vehicle towed or parked at a safe location until proper repairs can be made.

500.3.8(3) TRAFFIC ENGINEERING COMPLAINTS

Issues or complaints concerning traffic engineering may be handled in the following manner.

Police originated complaints regarding possible engineering deficiencies will be referred to The Public Works and Utilities/City of Duluth Engineering Division.

- (a) Officers should notify the City of Duluth Public Works Division if a public sign is damaged during an accident, or if officers become aware of a damaged sign
 - In cases where a sign is damaged on the interstate, officers should contact the MN Department of Transportation.
- (b) Police personnel are encouraged to complete an internal department email on non-emergency traffic, road, and parking problems and forward related suggestions to the Traffic Unit Sergeant who will review and forward any appropriate issues to Traffic Engineering.
 - Officer will have Dispatch contact City of Duluth Public Works with hazard issues which require immediate attention.

Citizen complaints and suggestions should be directed to Traffic Engineering by phone, email, city website or in person.

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Minn. R. 5205.0030).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest

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as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

500.5 TRAFFIC RELATED REPORTS

Some traffic related violations require a narrative report, they are:

- Driving while intoxicated
- Reckless driving'
- Hit and run

500.6 CITATION CORRECTIONS AND DISMISSALS

1. Voiding Citations

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the Voiding of the citation. The citation and copies shall then be forwarded to their unit leader.

2. Correction of Traffic Citations

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be placed in the appropriate bin in the report writing room.

3. Dismissal of Traffic Citations

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the issuing officer or their supervisor. Upon a review of the circumstances involving the issuance of the traffic citation they may recommend dismissal of the traffic citation. A letter requesting the dismissal and the reasons for it shall be drafted, reviewed by the supervisor, and placed in the appropriate bin in the report writing room.

500.7 ADMINISTRATIVE VIOLATIONS

Administrative violations may be issued by officers to any person for violations of any City ordinance by using the Duluth Administrative Violation Form. A completed Administrative Violation Form should be submitted in the same manner as any other citation. Administrative citations should not be issued for crimes that may need to go through District Court for enhancement consideration purposes. The issuing officer or a supervisor should determine the appropriate citation type to use in each situation after considering the factors in each circumstance.

Administrative Violation Considerations

When determining the appropriateness of issuing an administrative violation, an officer should consider the following:

- Only one ordinance violation can be written per Administrative Violation Form
- Parking tickets cannot be written on an Administrative Violation Form

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Traffic Function and Citations

- Speed and license-related citations should be written on a District Court ticket, as they will not appear on a driver's record if written on an Administrative Violation Form
- A person receiving an administrative citation cannot be jailed solely based on the ordinance violation
- Officers who are aware that a violator has received prior administrative citations and failed to pay the related fine, should consider issuing a District Court Citation if the following conditions exist:

1. The violator has an established record of non-payment with the City Clerk's Office.
2. The violator is apparently unable to pay the fine.
3. The violator owns no real property.

500.7.2 CARE AND UPKEEP

Care and up keep is the responsibility of all officers. Officers will notify their supervisor concerning any issues with the radar or lidar unit they are using. Supervisors will notify the Radio Shop, a part of the City of Duluth's Information Technology Division (I.T.) and the Professional Standards Unit of any issues with a radar or lidar unit.

500.7.3 MAINTENANCE AND CALIBRATION RECORDS

Radar units are maintained by the City of Duluth's Information Technology Division (Radio Shop). Service records are available with the Radio Shop.

All maintenance issues with the lidar units are handled by the DPD and the unit's manufacturer. Service records are kept with the Professional Standards Unit.

500.7.4 TRAINING AND CERTIFICATION

Officers must be trained in the Duluth Police Department Recruit Academy or other POST-approved course on the proper/practical use of radar/lidar before operating the respective device. Training records/certifications are maintained by the Professional Standards Unit.

500.8 SPEED-MEASURING DEVICES

The Duluth Police Department uses radar and lidar for traffic speed detection. Officers will use only departmental approved speed-measuring devices for traffic enforcement. All officers are required to be trained prior to using this equipment for traffic enforcement or issuing any citations.

500.8.1 OPERATIONAL PROCEDURES

Officers should follow the training they received concerning radar and lidar use. Refer to the appropriate owner's manual for specific operational procedures for each unit type.

Only officers trained in the use of radar/lidar can use these devices.

Officers must check the calibration and proper working order of radars and lidars at a minimum of at the beginning and end of the officer's shift. Refer to owner's manuals for specifics.

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- DPD does not calibrate radar and/or lidar units. This will only be done at the factory or an authorized service center. Officers only can check the calibration and verify that the unit is in proper working order.

Officers must identify their target vehicle and make a visual estimation on that vehicle's speed based on training.

After a visual estimate has been made, officers may confirm their visual estimation by utilizing either a radar or lidar unit.

If the radar/lidar confirms the estimated speed, and that speed is in violation of any city or state laws, the officer will use discretion when determining whether or not to charge the driver with any violations in accordance with this policy.

500.9 NEWLY ENACTED LAWS/REGULATIONS

The Traffic Unit Commander will be responsible for providing information on newly enacted traffic laws along with any different enforcement strategies (if any). When a law goes into effect without an interim period, officers should use discretion to determine if the traffic stop can be used as a learning device for the public or if a citation is warranted.

500.10 TRAFFIC SAFETY MATERIALS

Traffic safety educational materials will be made available to the public at the Public Safety Building Customer Service Center as well as via the Duluth Police Departments social media sites when appropriate. The ultimate goal of these materials is to achieve voluntary compliance with traffic laws and regulations through education of the public.

CALEA 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.8, 61.1.11, 61.1.12, 61.3.1, 61.3.3, 61.4.1, 61.4.2, 61.4.3, 61.4.4, 82.3.4

Traffic Crash Response, Reporting, and Department Vehicles

501.1 PURPOSE AND SCOPE

Traffic crashes are a major cause of avoidable property damage, injury, and death. The public safety responsibilities of law enforcement include responding to traffic crashes, providing aid and assistance, documentation of the incident and identification of criminal activity.

501.2 TRAFFIC CRASH INVESTIGATION PROCEDURES

501.2.1 CRASH SCENE SAFETY

Responding squads are positioned to protect the scene from further damage and alert approaching traffic to the hazard. Some crashes require closing the street while first-aid is being administered and the crash is being investigated. Sufficient squads should be obtained to adequately and safely reroute traffic. Civilians should not be allowed to provide traffic direction or control. Officers should attempt to remove vehicles from the traffic lane as soon as safely possible.

Officers must wear a high visibility vest while in the roadway or adjacent to the roadway (MN OSHA Rule 5207.0100, Subpart 1).

501.2.2 FIRST-AID

Upon arrival at any crash scene, responding officers must first assess all parties involved to determine there are any actual or claimed injuries. Mayo Ambulance and the Duluth Fire Department should be summoned to respond to the scene if they are needed and haven't already been dispatched. First-aid equipment is provided in all squads if needed.

501.2.3 HAZARDOUS MATERIALS

Traffic crashes involving hazardous materials should be approached cautiously. Officers should not walk in, or touch, spilled material. Inhaling fumes, smoke or vapors should be avoided.

Hazardous materials are identified by locating placards, container labels, shipping papers, or the persons responsible for transporting the material. Squads are equipped with the Emergency Response Guidebook published by the U.S. Department of Transportation which provides preliminary guidelines for handling a hazardous material incident.

The Duluth Fire Department must be notified as they have equipment and training to deal with hazardous materials. The Communication Center has a data base of hazardous materials information.

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Traffic Crash Response, Reporting, and Department Vehicles

501.2.4 ASSISTANCE

Additional assistance should be requested as necessary. This may include additional squads, traffic unit investigators, a patrol unit leader, or the Minnesota State Patrol Commercial Vehicle Compliance Section.

Public Works can provide barricades, traffic cones, and trucks with flashing directional arrows. Minnesota Power must be contacted if transmission lines, poles, or equipment are damaged. Other utilities should also be notified if their equipment is damaged. Notification is made through the Emergency Communication Center.

Portions of I-35 have electronic warning signs. The appropriate message is arranged through the District Office of the State Patrol.

501.3 TRAFFIC CRASH INVESTIGATION PROCEDURES

501.3.1 NON-INJURY PROPERTY DAMAGE CRASHES

Officers responding to a crash resulting in property damage with no injuries are required to identify all involved drivers and vehicles. Officers shall check the driving status of each involved driver, and verify the insurance information for each involved vehicle. Officers will facilitate the exchange of information between all involved parties by providing each party with an Accident Information Card.

The Accident Information Card is a document for officers to provide to drivers involved in non-injury property damage crashes. The card explains statutory requirements of drivers to provide certain information when involved in a crash. It also helps facilitate the exchange of information by providing space for drivers to collect or provide the required information to other drivers for potential insurance purposes.

Upon clearing a property damage crash, officers will should provide a disposition of "Assisted" when a report is not written. If a citation is issued, officers will provide a disposition of "Tag".

501.3.2 PERSONAL INJURY CRASHES (NOT FATAL OR MAJOR INJURY)

Officers responding to a crash resulting in personal injury (not fatal or major injury) to one or more involved parties shall complete a full investigation of the crash. Officers shall check the driving status of each involved driver, and verify the insurance information for each involved vehicle. All passengers in each involved vehicle are to be identified to include their full name (first, middle, last), date of birth, address, and phone numbers. Their identifying information, seat positions, and other pertinent information shall be recorded on MNCrash report.

If witnesses are located, their full name (first, middle, last), date of birth, address, phone numbers, are recorded on MNCrash report. If necessary, this information can also be documented in a supplemental report, along with their account of the crash.

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Serious crash scenes (injuries, fatalities, major property damage) should be photographed. All crashes involving city vehicles or city property must be photographed. One set of pictures should be taken before marking the roadway.

Photographs should document vehicle damage, the interiors of the vehicles, the roadway evidence, the approaches to the scene, and any other property damage.

501.3.3 FATAL OR SERIOUS INJURY CRASHES

Major injury or fatal crashes shall be investigated to the same extent as all personal injury crashes as stated in Policy 502.3.2, but may also require the application of special investigative procedures as follows:

- (a) Department death investigation procedures apply in all instances of fatal motor vehicle crashes.
- (b) Alcohol and drug tests are required of all drivers who are victims in fatal crashes and of all pedestrians over 16 years of age who are killed in traffic crashes. (Minn. Stat. § 169.09, Subd. 11)
- (c) In all fatal crashes or major injury crashes, the drivers of all involved vehicles shall be requested to provide a sample of blood or urine for alcohol and drug testing, even if there is no reason to believe they are under the influence. Drivers may legally refuse this test unless the officer has reason to believe the driver is under the influence of alcohol and/or drugs.
- (d) If the officer has reason to believe that a driver is under the influence of alcohol and/ or drugs follow the procedures in Policy 504 (Driving While Impaired).
- (e) If the officer has probable cause to believe that the person has violated the criminal vehicular homicide or injury laws (Minn. Stat. § 609.21, Subd. 1-5), they will follow the procedures set forth in Policy 504.3

The statutory language of Minn. Stat. § 169.011 Subd 42 defining a motor vehicle applies in these incidents.

- (a) Investigative reports should be submitted as soon as possible.
- (b) A crash investigator is responsible for all investigations involving traffic fatalities and the submission of the appropriate reports to the Department of Public Safety.

501.3.4 CITY-OWNED VEHICLE CRASHES (INCLUDES DULUTH TRANSIT AUTHORITY)

All other City-owned or Duluth Transit Authority vehicle crashes shall be investigated with the same requirements listed in Policy 502.3.2 (Personal Injury Crashes). These crashes shall be reported in a MNCrash Report. All traffic Crashes that result in damage to City

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of Duluth owned property, such as a light pole, street sign, guard rail, or other property owned or maintained by the City of Duluth shall be reported in a MNCrash Report.

501.3.5 COMMERCIAL VEHICLE CRASHES

When a traffic crash involves a commercial vehicle, school bus, or Head Start bus, and any of the following have occurred the Minnesota State Patrol must be notified (Minn. Stat. § 169.783 and 169.4511) and the appropriate section of the MNCrash report completed.

- (a) (a) a fatality
- (b) (b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the crash
- (c) (c) one or more motor vehicles incurring disabling damage as a result of the collision and that require transporting away from the scene by tow truck or other motor vehicle
- (d) (d) more than \$4400 property damage

If a crash involves a commercial vehicle, school bus, or Head Start bus, and these factors are not present; however, there appears to be a defect with the commercial vehicle or bus, the assistance of a State Patrol Commercial Vehicle Inspector shall be utilized to ensure the vehicle is safe before it is released to continue operating on the roadway.

A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 168.783). A commercial vehicle is a vehicle or combination that has an actual weight or a gross vehicle weight rating greater than 26,000 pounds, a vehicle required to display a hazardous material placard, or a vehicle used for transporting more than 15 passengers including the driver. Duluth Transit Authority buses are not considered commercial vehicles.

501.3.6 PRIVATE PROPERTY MATTER OF RECORD CRASHES

When officers are summoned to a traffic crash that has occurred on private property and no further enforcement action (DWI, reckless driving, careless driving, or hit-and-run) can be taken, it may be treated as a "matter of record." However, officers are required to:

- (a) check driver's license status of the drivers
- (b) verify insurance information and registration
- (c) determine if a violation has occurred
- (d) facilitate the exchange of information between involved parties by providing an Accident Information Card

501.3.7 AFTER THE FACT CRASHES

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If a party wants to report a crash after the fact, an ICR may be generated and the crash should be changed to VINFO. Comments should be entered into the call detailing there was no police response or investigation, and closed out as a matter of record.

If the party calling states the crash was a hit-run with no suspect information, and they want to make a matter of record report, an officer should respond to verify damage and complete a hit and run report.

501.3.8 TEMPORARY SUSPENSION OF CRASH RESPONSE

A Patrol Supervisor or Watch Commander may, under certain circumstances, direct patrol squads to temporarily suspend their response and investigation of traffic crashes. Circumstances that may cause a suspension of crash response may include a snow emergency, unsafe weather conditions, or any other unique circumstance that does not allow for the safe or effective deployment of patrol resources to respond to a crash. The Patrol Supervisor or Watch Commander will return patrol response back to normal as soon as possible.

501.3.9 ENFORCEMENT AT TRAFFIC CRASH SCENES

Officers investigating a traffic crash who determine from statements and/or evidence that a violation has occurred may issue a citation if circumstances exist which warrant such action. In most instances the officers will not have witnessed the violation.

When a crash occurs on private property, the only moving violations which can be cited are: driving while impaired, reckless driving, hit and run, and some instances of careless driving. However, a driver may be cited for no insurance, driver license offenses, and vehicle registration violations if it can be determined they drove their vehicle on a public street to get to the private property.

501.4 REPORTS

MNCrash is a State electronic reporting system that can be accessed by all officers using the MyBCA website. The reports submitted in this system will be sent electronically to the State of Minnesota. Officers will ensure that the MNCrash report will contain all data relevant to the crash as this will be the report of record for a majority of crash reports. Additional information should be documented in a Tyler RMS report.

In the event of a hit-and-run injury crash, the MNCrash report is not required until the investigation is complete.

SUPPLEMENTAL REPORTS are used to document information during the investigation, as necessary.

Traffic Crash Reporting Chart:

Type of Crash	Accident Information Card	MNCrash Report	Tyler RMS Report
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Fatal or Serious Injury Crash	X	X
All other Injury Crashes (transport by ambulance or not)	X	X
Hit and Run Injury Crash (upon completion of investigation)	X	X
Crash Related to a Crime Investigation (DWI, auto theft, pursuit, etc)	X	X
City/Department-Owned Vehicle Crash	X	X (if needed)
Commercial Vehicle Crash	X	X (if needed)
Hit and Run Property Damage Crash		X
Property Damage Crash	X	

Officers always have the discretion of documenting crashes by going beyond the minimum standards listed above if they chose to do so

501.5 CRASH SCENE RESPONSIBILITIES

501.5.1 PATROL

Patrol is responsible for the investigation of all crashes in their district, but in some instances may call upon traffic investigators to assist them. Patrol unit leaders should respond to serious crashes if they are available.

501.5.2 TRAFFIC UNIT CRASH INVESTIGATORS

The Traffic Unit has specially trained and equipped crash investigators responsible for investigating serious and fatal crashes. Crash investigators do not provide 24-hour-a-day coverage, but when on duty, and if available, will respond to crashes with injuries, crashes involving City-owned vehicles, and crashes involving Duluth Transit Authority coaches. The district patrol squads assist in these investigations unless told to disregard. If crash investigators from the Traffic Unit are not working at the time, the patrol unit leader has the option of requesting that one respond. In the case of a major injury or fatal crash and a traffic investigator is not available, the Minnesota State Patrol will be contacted to provide at-scene assistance.

Follow-up investigations on hit and run, injury, and fatal crashes are assigned to crash investigators by the unit leader of the Traffic Unit.

501.5.3 OFFICER IN CHARGE OF CRASH SCENE

A crash investigator responding to a crash is responsible for the scene and the investigation. If a crash investigator does not respond, a district patrol officer is responsible for the scene and the investigation, unless specifically relieved of that responsibility by a patrol unit supervisor. Any time

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a crash investigator from the Traffic Unit responds, they are in charge of the follow-up investigation. Crash investigators from the Traffic Unit are responsible for conducting follow-up investigations on hit-and-run crashes, although the responding squad is responsible for continuing the investigation as far as feasibly possible. The crash investigators will also do any follow-up necessary on other crashes that may be assigned by the unit leader of the Traffic Unit. Speed calculations, follow-up interviews, gathering of off-scene data, reconstructions, etc., are documented in narrative reports.

501.5.4 RECONSTRUCTION/TECHNICAL SKILLS

The Department attempts to have at least one investigator trained in crash reconstruction. The Minnesota State Patrol has crash reconstructionists that may be available if needed. Technical services or equipment necessary in crash investigations which are not available within the Department may be requested through the Traffic Unit. For example; a mechanical inspection of a vehicle's brake system, the weighing of a vehicle at an approved scale, or an aerial photograph of a scene.

501.6 CRASHES INVOLVING DEPARTMENT VEHICLES

Any traffic crash involving a department vehicle, or involving any employee, regardless of rank, while acting within the scope of his duties, shall be reported to the department by the employee operating the vehicle. If available, the Crash Investigation Squad should investigate each accident. An outside agency shall be requested to investigate a department vehicle involved crash if any of the following occur:

- Airbag deployed
- Extrication from a vehicle
- Either vehicle is non driveable
- Any injury
- NOTE: an outside agency is not required if any of the above occurred and the crash involved an unoccupied vehicle.

501.6.1 PATROL UNIT LEADER DUTIES

A shift sergeant or shift lieutenant shall be dispatched to the scene of each crash involving a Department vehicle. They are required to conduct an investigation to determine whether the employee was adhering to department rules, policies, and regulations. The shift sergeant/ lieutenant may request another law enforcement agency conduct the investigation.

The responsibility of the responding shift sergeant or shift lieutenant to a squad involved crash is to facilitate reporting and documentation of the incident. The following requirements are established for a consistent response:

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- All traffic crashes involving squads require the notification of the shift sergeant or shift lieutenant. The responding shift sergeant or shift lieutenant determines any additional resources necessary to conduct a thorough investigation.
- All traffic crashes require an ICR to be generated. If an outside agency investigates the crash, an ICR is still generated. The investigating agency ICR is noted in the CAD comments.
- Photos of the scene and damage are required.
- A City Incident report must be completed and reviewed and approved by the responding shift sergeant or shift lieutenant. If injuries to personnel are sustained, refer to policy 1012 for instructions.
- Copies of completed reports are directed to the working file maintained on the involved employee by their unit leader for inclusion in the EDA process. Copies are also sent to the Chief's clerical person for later review by the Crash Review Board.
- Copies of the reports are distributed by the Chief's clerical person to the Deputy Chief of patrol, the involved employee's Area Commander, and the Crash Sergeant.

501.6.2 CRASH INVESTIGATORS DUTIES

Any employee directly involved in a traffic crash while operating or riding in a city-owned vehicle shall notify a shift sergeant or shift lieutenant of the crash. The involved employee must complete a City Incident Report describing the events leading to the crash.

When an employee is involved in a crash, the employee shall urge the other parties involved to remain at the scene until the arrival of the investigating officer. If the person insists upon leaving the scene, the employee is responsible for obtaining:

- The person's name, address, and telephone number
- The location where he may be interviewed
- Vehicle and driver's license information
- Name, address and telephone number of registered owner of the vehicle or the property damaged by the employee
- Name, address and telephone number of the driver's and owners insurance company.

501.6.4 CRASHES OCCURRING OUTSIDE THE CITY

When a crash occurs outside the City of Duluth and a patrol unit leader is not sent to the scene, the involved employee shall:

- Fulfill any legal reporting requirements at the jurisdiction where the crash occurs

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- Notify a law enforcement agency with jurisdiction where the crash occurred
- Complete the necessary City Incident reports upon return to the city
- Notify their unit leader as soon as possible (preferably while still at the scene) of the crash and the circumstances surrounding the crash

501.7 CRASH REVIEW BOARD

A Department Crash Review Board has been established to review crashes involving department vehicles and vehicles being used for legitimate police purposes. The purpose of the review is to determine if the crash was preventable and to recommend any appropriate corrective action.

The CRB reviews all crashes involving department-owned or leased vehicles within the following parameters:

- All vehicles are the responsibility of the department member using it
- The amount of damage or cost of repair is not a determining factor in review of crashes
- All crashes are subject to review
- Properly parked police vehicles that are damaged by another vehicle will not normally be the subject of review (ordinary "wear and tear" damage that occurs in police parking facilities is not reviewed by the CRB)
- A deliberate emergency exposure that results in damage to a police vehicle. Legitimate legal intervention when the CRB determines it was a proper course of action may be held "non-preventable"
- Crashes occurring while the vehicle is being operated as an emergency vehicle, including vehicle pursuits, (defined by M.S. 169.03) are subject to review

501.7.1 STRUCTURE

The Crash Review Board (CRB) is appointed by the Chief of Police. The Patrol Division Deputy Chief is the standing chairperson of the committee. Members are appointed to represent the following:

- Crash investigators
- Police Union
- Patrol Division
- Investigative Division

Reviews are conducted on a quarterly basis, or at the call of the chairman.

501.7.2 REVIEW PROCESS

The CRB has access to the following information to conduct their review:

- Original crash reports
- Supplemental reports (including diagrams)

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- Photos and other evidence
- Verbal description by involved employee(s)
- Investigating supervisor's report and conclusions
- Verbal description of accident by the investigating officer

NOTE: Crashes that may be the subject of a criminal action are not reviewed by the CRB until the matter is closed.

501.7.3 CRB FINDINGS AND RECOMMENDATIONS

Reviews of each crash result in one of two categories of Findings:

- (a) Non-preventable: a crash in which the employee did everything reasonable to prevent the crash.
- (b) Preventable: a crash in which the employee failed to do everything reasonable to prevent the crash (i.e., Employee failed to see the other vehicle, person or object prior to the crash; employee failed to take any defensive actions.).

Recommendations for "Preventable" crashes may fall into one or more of the following categories:

- Training: recommendation will identify the specific area that contributed to the crash
- Driver re-examination
- Specific changes in equipment or procedure
- Recommendation on the type of assignment, handled by the unit leader
- Recommendation for progressive disciplinary action, handled by the unit leader

The CRB Chairman is responsible for completing the CRB Findings and Recommendations and forwarding copies as follows:

- Unit leader of the involved employee
- Employee involved
- Officer Development Unit, if recommendation relates to training, equipment, or procedure issue

501.7.4 FOLLOW-UP DOCUMENTATION

When the crash is referred to the unit leader for follow-up, the unit leader is responsible to report back to CRB within 30 days.

CALEA 82.3.3, 83.1.1, 83.2.6

Towing Procedures

502.1 PURPOSE AND SCOPE

The Department is responsible for the safe and efficient flow of traffic in the city. In conjunction with that responsibility, officers are empowered to remove vehicles from public streets and highways under the guidelines and restrictions placed upon towing by State statutes and this Order.

502.2 TOWING PROCEDURES

502.2.1 WRECKER ROTATION

Officers request wreckers through the Customer Service Center or designated officer. It is the Customer Service Center's responsibility to summon the appropriate wrecker and record the information in the towing log at the desk.

In case of emergency when public convenience and necessity requires it, officers may depart from the strict rotation of emergency wrecker lists for the duration of such emergency and call any licensed wrecker service or, in the case of a need for secured indoor storage, call the next wrecker service on the list which has a sufficient facility, at their discretion. A record of such departure together with the reason shall be documented in the towing log.

502.2.2 OWNER REQUESTS

Owners requiring a specific towing company must make their own arrangements unless safety is of concern. The only exception to this is wreckers dispatched through AAA or Amoco Travel Club. Officers may assist with traffic control until vehicle is removed.

502.2.3 OFFICER REQUESTED TOWS

When an officer has requested a tow, he or another licensed officer must remain at the scene until the vehicle is towed. The wrecker operator's signature must be on the tow slip.

If a vehicle is towed for a parking violation, a parking ticket must be issued.

502.2.4 PARKING VIOLATIONS

When the owner of the vehicle parked in violation arrives before the wrecker, the owner is allowed to move the vehicle. The officer may use his discretion in issuance of a citation. In this instance the wrecker is canceled and remains first on the call-out list.

City ordinance 33-262 prohibits wrecker companies from charging a fee when service is not actually provided. If the wrecker has not begun hooking up to the vehicle, no service has been provided and the wrecker remains first on the call-out list.

If circumstances allow, the owner of a vehicle may have the vehicle towed to a location of his choosing. Payment in this case is solely between the wrecker driver and the vehicle owner. In all other instances, vehicles must be towed to locations operated by the wrecker companies. Impounded vehicles are not towed to the police garage unless authorized by the Station Commander.

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502.2.5 TOWED VEHICLE REPORTS

A TOWED VEHICLE REPORT (tow slip) must be completed for all vehicles towed at the direction of an officer. In an effort to safeguard the contents of all legally impounded vehicles, the department requires officers to inventory the contents found therein. The inventory shall include a record of all items present within the vehicle. This record will include all items in plain view as well as the contents of closed containers, whether locked or unlocked.

A completed inventory and damage assessment must be noted on the report by the officer. The officer and wrecker driver must sign the TOWED VEHICLE REPORT.

A vehicle registration check on the towed vehicle must be obtained and attached to the TOWED VEHICLE REPORT by the towing officer. The claim check is attached to the TOWED VEHICLE REPORT.

Tow reports are filed in a master file located at the Customer Service Center. When a vehicle is held, the following information is noted on the top of the TOWED VEHICLE REPORT:

- If it is being held for an investigative unit, the name of the unit for which it is being held, the reason (investigation, evidence processing, forfeiture), and the case # (if applicable).
- Requirements or instructions for release. For example: proof of insurance, current registration, proof of title transfer, valid driver, etc.
- A Case Activity Log entry regarding the towed vehicle & HOLD along with a copy of the tow report must be sent to the investigative unit for which the tow is held.
- If it is being held for evidence processing, a Request For Processing must be completed and sent to the Crime Scene Investigation Unit.

When a wrecker is requested off the rotation list by police for a disabled vehicle, no TOWED VEHICLE REPORT is necessary. The owner receives the claim check

502.3 TOWING RESTRICTIONS

502.3.1 FOUR HOUR WAITING PERIOD

Minnesota Statute 169.041, Subd. 3, requires a four-hour waiting period after the issuance of a traffic ticket or citation prior to towing a vehicle.

502.3.2 EXCEPTIONS TO WAITING PERIOD

The following situations are exempt from the four-hour waiting period:

- (a) The vehicle is parked in violation of snow emergency regulations
- (b) The vehicle is parked in a rush hour restricted parking area
- (c) The vehicle is blocking a driveway, alley, or fire hydrant
- (d) The vehicle is parked in a bus lane where parking is prohibited

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- (e) The vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign
- (f) The vehicle is parked in a handicapped transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates
- (g) The vehicle is parked in an area that has been posted for temporary restricting parking at least 24 hours in advance
- (h) The vehicle is parked within the right of way of a controlled access highway or within the traveled portion of a public street when travel is allowed there
- (i) The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles
- (j) The driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping
- (k) A law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses
- (l) The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs
- (m) A motor vehicle that is subject to forfeiture and the seizure is incident to a lawful arrest or search, or there is probable cause to believe that a delay caused by obtaining a court process would result in the removal or destruction of the vehicle.
- (n) A vehicle may be towed by a law enforcement officer, from public property, or if in plain view on private property, for any of the following reasons:
 - There is probable cause to believe the vehicle was stolen
 - The vehicle was used to commit a crime
 - Possession of the vehicle constitutes a crime
 - The vehicle is in possession of a person who intends to use it in a crime
 - The vehicle constitutes evidence which tends to show a crime has been committed or a particular person has committed a crime

Officers are encouraged to seize vehicles that have been involved in crimes such as hit and runs, to allow the processing of the vehicles for evidence.

502.4 ABANDONED VEHICLES

502.4.1 PRIVATE PROPERTY

Abandoned vehicles are defined by M.S. 168B.02 and City Ordinance 30-2 as vehicles that have been left on private property in an inoperable condition and which have no substantial potential for further use as a motor vehicle.

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The City Building Inspector handles abandoned vehicles on private property and on City property (except for roadways). Notice is given to remove the vehicle within ten days, or it is removed by the Building Inspector.

502.4.2 PUBLIC PROPERTY/STREET

Vehicles left standing or parked more than 24 consecutive hours on any street or highway within the city should be towed for violating the 24-hour parking ordinance, City Ordinance 33-85. In absence of any of the above-stated exceptions, officers shall wait 4 hours after issuing the ticket before towing the vehicle.

502.5 TOWING PROHIBITED

Officers are prohibited from towing vehicles for the following singular violations:

- with expired registration tabs less than 90 days; and
- vehicles parked at expired meters, unless they meet one of the criteria for exceptions to the four-hour waiting period.

Driving While Impaired and Evidence Collection

503.1 PURPOSE AND SCOPE

The Department encourages all officers to be aware of indications of alcohol and/or drug impairment when dealing with drivers. This policy explains the procedures to be followed while collecting evidence to establish the presence of impairment and substances that are causing the impairment of operators arrested for driving while intoxicated.

503.2 PROCEDURE

Throughout contact with the subject officers should pay attention to their actions, statements, and attitude. Proper procedure as well as the proper administration of the standardized field sobriety tests is crucial to ensure the conviction of drivers suspected of driving while impaired.

503.2.1 FIELD SOBRIETY TESTS

Officers who have contact with a suspected impaired driver should request the subject perform standardized field sobriety tests (SFST's).

The 3 standardized field sobriety tests are listed below and should be conducted in this order when practicable. These tests shall be conducted in accordance with NHTSA, National Highway Traffic Safety Administration, guidelines to be considered standardized. Validated tests are:

- (a) Horizontal Gaze Nystagmus
- (b) Walk and Turn
- (c) One Leg Stand

Other alternative tests may be conducted in addition to the SFST's or in place of an SFST that cannot be administered due to physical or environmental limitations. These tests may include but are not limited to the following:

- (a) Finger to Nose
- (b) Alphabet - not a recitation of the alphabet but rather have the driver start and end at selected letters; ex. start at "f" and end at "s".
- (c) Counting - do not start and end with common points such as 0 or 10; ex. count backwards from the number 57 and end at the number 42
- (d) Finger Dexterity
- (e) Modified Romberg - estimate the passing of 30 seconds
- (f) And other tests that divide the subjects attention

503.2.2 PRELIMINARY BREATH TEST (PBT)

The basic purpose of the Preliminary Breath Test is to demonstrate the association of alcohol with the observable evidence, SFST's, of the suspects impairment. Officers should attempt to observe the subject for 15 minutes prior to requesting a PBT to ensure that no alcohol has entered the driver's mouth during that time. Officers must have derived a specific and articulable suspicion of

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a DWI violation before a request for a PBT can be made (Bladio vs. MN Commission of Public Safety).

The results of the PBT are used to confirm alcohol as the cause of the driver's impairment, to corroborate evidence obtained during the administration of SFST's, and to help establish probable cause for a DWI arrest.

503.2.3 BREATH TEST ADVISORY

A chemical test may be required of a person if an officer has probable cause to believe that the person is driving, operating, or in physical control of a motor vehicle in violation of Minn. Stat. § 169A.20 (Driving While Impaired) and one of the following conditions exist:

- (a) The person has been lawfully placed under arrest for violation of Minn. Stat. § 169A.20
- (b) The person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death
- (c) The person has refused to submit to SFST's or a preliminary breath test (PBT) as provided for in Minn. Stat. § 169A.41
- (d) The PBT was administered and indicated an alcohol concentration of 0.08 or more

The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

The Minnesota Breath Test Advisory is only read to a driver if an officer is seeking to obtain a breath test. The Advisory should not be read when seeking a blood or urine test pursuant to a search warrant.

The Minnesota Breath Test Advisory should be read as soon as practical, filling in the appropriate information. The advisory should be recorded at all times when practicable. The advisory should be read verbatim.

The Peace Officer's Certificate shall be completed to the extent possible based on the information obtained by the officer regarding the arrest of the person for DWI.

503.3 BREATH, BLOOD, OR URINE EVIDENTIARY TESTS

Persons arrested for driving while impaired by alcohol, unless sustaining injuries requiring medical attention or other special circumstances exist that require a blood or urine test, are to be transported to the Duluth Police Department or other available facility for breath testing. If circumstances exist where the driver is believed to be impaired by alcohol and a blood or urine test will be taken, a search warrant shall be obtained prior to requesting a sample of the driver's blood or urine.. Every effort should be made to collect the evidentiary test within two hours of the driving incident if alcohol is suspected as the impairing substance.

If the officer has probable cause to believe the driver is impaired by drugs or a hazardous substance (based on evaluation by DRE, driver admission, DMT breath test or matching level of impairment, etc.), a blood or urine test shall be requested pursuant to a search warrant officers

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should utilize a Drug Recognition Evaluator (DRE) in all cases involving drug impairment if one is available as additional evidence of impairment.

If the driver is involved in a traffic crash resulting in bodily harm or death to someone other than the driver; and the driver is suspected of being under the influence of alcohol and/or any drug, a blood test shall be obtained from the driver pursuant to a search warrant. If alcohol is suspected as the impairing substance and the test cannot be obtained within two hours of driving, the blood test shall be obtained without a search warrant.

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A blood or urine test may be required pursuant to a search warrant under sections 626.04 to 626.18 even after a breath test has been administered if there is probable cause to believe that:

- there is impairment by a controlled substance or an intoxicating substance that is not subject to testing by a breath test;
- a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- or the person is unconscious or incapacitated to the point that the peace officer providing a breath test advisory, administering a breath test, or serving the search warrant has a good-faith belief that the person is mentally or physically unable to comprehend the breath test advisory or otherwise voluntarily submit to chemical tests.

Action may be taken against a person who refuses to take a blood test under this subdivision only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered. This limitation does not apply to an unconscious person under the circumstances described in clause (3).

503.3.1 BREATH TEST

If the driver consents to a breath test, it must be administered using an infrared or other approved breath-testing instrument (currently the DataMaster DMT-G fuel cell option) in accordance with Minn. Stat. § 169A.51 Subd. 5(a) by a State of Minnesota certified DataMaster DMT-G operator. If the arresting officer is not a certified operator, request that dispatchers locate one for administration of the test.

When a breath test is administered, failure of a person to provide two separate, adequate breath samples in the proper sequence constitutes a refusal. Additionally, if the first breath test obtained is deemed deficient by the instrument, a second test must be administered. Two deficient breath tests constitute a refusal.

503.3.2 BLOOD TEST

Blood samples are withdrawn by a qualified medical professional or other qualified person which includes medical personnel trained in a licensed hospital or educational institution to withdraw blood, packaged in an approved blood kit, and tested at the MN Bureau of Criminal Apprehension laboratory.

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If the officer requests a blood test, the officer shall transport the subject to an appropriate medical facility (Saint Luke's Hospital or EssentiaHeath-St. Mary's Medical Center) and have a qualified person draw the blood sample. The officer shall complete the electronic BCA Lab Report Form in eCharging prior to the kit being sent to the lab. The kit is then placed in the department's evidence refrigerator and an evidence report is submitted.

503.3.3 URINE TEST

If the officer requests a urine test, the samples must be witnessed by an officer of the same sex as the person giving the test. The officer shall complete the electronic BCA Lab Report Form in eCharging prior to the kit being sent to the lab. The kit is then placed in the department's evidence refrigerator and an evidence report is submitted. Urine samples are packaged in an approved urine kit and tested at the MN Bureau of Criminal Apprehension laboratory.

503.3.4 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL

A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusing to provide a chemical test is deemed not to have withdrawn the consent to test and a blood sample may be obtained, Minn. Stat. § 169A.51 Subd. 6.

503.4 REFUSAL TO TEST

It is a crime for any person to refuse to submit to a chemical test of his/her blood, breath or urine (Minn. Stat. § 169A.20 Subd. 2). A test refusal is a gross misdemeanor in all cases and is an additional charge to the DWI offense. The driver will be charged for both the DWI and Test Refusal. Refusal to submit to a chemical test does not constitute Obstructing Legal Process, Minn. Stat. § 609.50, unless the refusal was accompanied by force or violence, or the threat of violence.

503.5 ADDITIONAL TEST

A person has the right to have a person of their own choosing administer a chemical test or tests in addition to any that are administered at the direction of a peace officer (Minnesota Statute 169A.51, Subd. 7b). A person has a right to an additional test only after they have submitted to the law enforcement requested test. When a person requests a chemical test of their own, an officer's is only obligated to provide the person with a phone and directory to make arrangements to obtain the test. Failure or inability to obtain an additional test or tests by a person does not preclude the admission of evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer.

503.6 LICENSE PLATE IMPOUNDMENT AND VEHICLE DISPOSITION

Minnesota Statute § 169A.60 requires that a Notice and Order of License Plate Impoundment form be issued if the violation meets the following criteria:

- (a) The second or subsequent alcohol violation within ten years
- (b) BAC is .16 or more
- (c) DWI while a child under 16 years of age is in the vehicle and the child is more than 36 months younger than the offender

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(d) Driving after canceled-IPS (DWI or sober)

In these instances the officer will issue the plate impoundment notice, and seize and destroy the Minnesota license plates from the vehicle, regardless of ownership. All plates seized shall be placed in the license plate bin in the Duluth Police garage to be destroyed.

The arresting officers are responsible for ensuring the safe disposition of the vehicle. If the vehicle is subject to a possible forfeiture (Policy 605) pursuant to Minn. Stat. § 169A.63, the vehicle is impounded and towed to the Duluth Police Department's impound lot. The tow slip is marked with a hold for forfeiture, and a copy of the tow slip with the invoice is placed in the traffic unit's mailbox.

If the vehicle is not subject to forfeiture or license plate impoundment, the vehicle disposition shall be in accordance with Policy 511.

In all cases, the vehicle shall be searched incident to arrest. If the vehicle is to be towed, it shall be inventoried prior to towing and documented on the towed vehicle report.

503.7 CITATION

If the DWI violations, or any other violations stemming from the same incident, are misdemeanor level violations, citations for driving while impaired and all the other violations must be issued at one time. A report shall be completed by the officer documenting any impairment and violations that were observed during the incident.

If the DWI violations, or any other violations stemming from the same incident, are gross misdemeanor or felony level violations, no citations are issued for any of the violations. The impairment and other violations shall all be documented in a report and a referral shall be made to the Traffic Unit asking that a warrant request be submitted to charge the driver.

When a blood or urine test was taken to determine impairment, no citation is issued for any charges until the results of the blood or urine test are returned. All paperwork related to the arrest shall be turned in and the original DWI paperwork will be maintained in eCharging until the test results are obtained. If the result of the chemical test results in misdemeanor charges the information will be returned to the arresting officer for completion of a supplemental report and citation. If the resulting charges will be a gross misdemeanor or felony, the Traffic Unit will complete a supplemental report regarding the test results and submit a warrant request to the appropriate charging authority.

503.8 DISPOSITION OF INDIVIDUAL

If the driver is arrested for a 1st or 2nd degree DWI or refusal, and absent any extenuating circumstances, the subject shall be incarcerated. If the driver is arrested for a 3rd degree DWI or refusal they shall be incarcerated if the following conditions exist:

- (a) Current test of 0.20 or higher
- (b) Driver is canceled-IPS or under 19 years of age
- (c) Child endangerment (child is less than 16 years of age and there is more than 36 months difference in age from the driver)

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If a driver is arrested for a violation of Minnesota Criminal Vehicular Homicide and Injury Laws, the driver shall be incarcerated, absent any extenuating circumstances, even without the results of the blood test immediately available. The CVO form Wizard, in Echarging, shall be completed and submitted to DVS.

If none of the above conditions exist or the violation is a misdemeanor level, the subject may be incarcerated at the jail, lodged at the Duluth Detoxification Center, or released to a responsible, sober adult at the officer's discretion. If the subject is jailed for misdemeanor level violations, a citation is issued and a release time is specified on the jail booking form.

503.9 REPORTS

NARRATIVE REPORT

A narrative arrest report is required for all driving while impaired or Criminal Vehicular Homicide or Injury charges.

If a private citizen has reported an impaired driver and the officer makes contact with the suspect based on the attempt to locate and an arrest is made, the following information must be included in the narrative report:

- name of caller
- address
- telephone number
- the observations that lead the caller to believe the driver was impaired

If a private citizen reports an impaired driver but does so anonymously, the officer must include in their narrative:

- the information that was called in from the anonymous citizen
- the officers observation of the driving conduct that suggests the driver may be impaired
- reason(s) for the traffic stop or contact

OTHER REQUIRED REPORTS - The first four reports shall be created by using E-Charging, unless circumstances exist that do not allow E-charging to be utilized.

- (a) Notice and Order of Revocation - issued to all drivers who provide a breath sample indicating an alcohol concentration of 0.08 or more or refuse a chemical test, regardless of what state in which they are licensed or their current license status. If the driver has a valid Minnesota driver license in their possession, a top corner of the license shall be clipped and the license is returned to the driver. An officer shall not invalidate a driver's license from another state.
- (b) Notice of License Plate Impoundment - if applicable (Minnesota license plates only)
- (c) Implied Consent
- (d) Notice and Intent to Forfeit Vehicle - if applicable (vehicle from any state or country)
- (e) Evidence Reports - for blood, urine kits, or any other physical evidence if applicable

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- (f) Alcohol Influence Form
- (g) DataMaster DMT-G Report (breath test)- if report is not uploaded in eCharging.
- (h) Crash Reports - if applicable
- (i) Medical personnell certificate, if applicable
- (j) Booking Sheets
- (k) Citation -if all charges are at the misdemeanor lever; attach to the booking sheet if applicable

CALEA 61.1.10

Impaired Driver Enforcement Program

504.1 PURPOSE AND SCOPE

The Duluth Police Department is committed to staffing programs to address Impaired Driver issues with proposed enforcement strategies likely to alleviate those problems. All enforcement will be dependent upon grants that are part of the traffic safety program called Toward Zero Deaths (TZD), which works to create a safe driving culture in Minnesota by supporting a goal of zero road fatalities.

504.2 DWI OFFICER GRANT

The Duluth Police Department will provide a qualified officer who has a minimum of two years of experience with the agency. The DWI officer will work on all aspects of this project. In addition, the following training must have been completed by the officer prior to the beginning of grant funded enforcement.

- NHTSA's 16-hour Standardized Field Sobriety Testing (SFST) course
- NHTSA's Advanced Roadside Impaired Driving Enforcement (ARIDE) or Drugs That Impair Driving (DTID)
- Minnesota's Occupant Protection Usage and Enforcement (OPUE) course

The DWI officer's work shift must be between the hours of 5:00 p.m. and 5:00 a.m. The DWI Officer will be required to be on active patrol a minimum of two Fridays and two Saturdays per month as part of the DWI officer's impaired driving enforcement.

The DWI Officer's hours will be entered into the Realtime Officer Activity Reporting (ROAR). The Officer Activity Summary Report generated from this input will be submitted into E-grants as the quarterly progress report, along with a word document describing the DWI Officer's performance in obtaining the agency's targets.

504.3 TOWARD ZERO DEATH ENFORCEMENT GRANT

The Duluth Police Department will participate in the TZD Enforcement Grant with several traffic safety focuses to include impaired driving, provided that grant funding is available for such activities. TZD is funded by the MN Department of Public Safety and Office of Traffic Safety in which law enforcement agencies conduct a highly-visible, well-publicized traffic safety enforcement program. The grant funding will be used for overtime enforcement to address all traffic safety issues with an emphasis on impaired driving, occupant protection, speed, and distracted driving.

Officers working overtime enforcement funded by this grant must have completed the following training prior to working:

- IACP's 16-hour Standardized Field Sobriety Testing (SFST) course
- IACP's Advanced Roadside Impaired Driving Enforcement (ARIDE) or Drugs That Impair Driving (DTID)

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- Minnesota's Occupant Protection Usage and Enforcement (OPUE) course

Reporting;

Shifts will be staffed on dates set out by the enforcement grant. All enforcement events worked will be entered into ROAR, with required quarterly and annual reports to be completed as necessary.

Education and Community Outreach;

High-visibility enforcement, media relations, and community education are key factors in the success of the program. It is important to have a plan for public information and media activities to ensure the plan is executed. The Duluth Police Department is committed to ensuring these activities are undertaken.

CALEA 61.1.9

School Crossing Guards

505.1 PURPOSE AND SCOPE

The Duluth Police Department in cooperation with ISD 709 facilitates the school crossing guard program at elementary schools within the city of Duluth. The DPD follows the American Automobile Association (AAA) model in developing, selecting, training and administering the program.

505.2 SCHOOL CROSSING GUARD ADMINISTRATION

The school crossing guard program is a non-profit entity and is registered with the Office of the Minnesota Secretary of State under the corporate name – Duluth Police School Patrol Association. The supervisor of the school patrol will be responsible for the annual renewal of the association with the secretary of state.

The school crossing guard program will be led by the person who supervises the school resource officer program. The school resource officers will be responsible for the training of the school crossing guards and ensuring they have serviceable equipment. School Patrol flags will be purchased through the AAA School Patrol website, and safety vests can be purchased through an online vendor.

The Chief of Police's executive assistant will maintain the school crossing guard account

505.3 CROSSING GUARD SELECTION

Crossing guards are chosen from students in the 5th grade of participating elementary schools, and is supervised by a staff member from that school. Training is conducted by the school with assistance from the School Resource Officers using AAA provided training materials. The AAA does publish a School safety patrol operations manual which will be used for the training and administration of the program.

Interested Patrollers will be required to fill out an application and receive permission from their parents. The School Patrol adviser will select the patrollers and make assignments.

School resource officers will be responsible for providing training and the maintenance and replacement of equipment.

CALEA 61.3.4

Selective Enforcement Activities and Enforcement Practices

506.1 PURPOSE AND SCOPE

The Duluth Police Department will use available data and resources to assist in the direction of selective traffic enforcement activities for the purpose of reducing the number and severity of vehicular crashes. The goal of all traffic enforcement activities is to gain voluntary compliance to the traffic laws of the City and State.

506.2 TRAFFIC RECORDS SYSTEM

A. Traffic Crash Data.

1. The Duluth Police Department will compile and collect Traffic Crash Data through its Records Management System (RMS)
2. The Crime Analysts will provide a map of areas with high rates of traffic crashes to the Traffic Unit and Patrol on a quarterly basis.
 - a. The Patrol Deputy Chief and Patrol supervisors will use this data to assist in the direction of selective traffic enforcement activities.

506.3 TRAFFIC SELECTIVE ENFORCEMENT ACTIVITIES

A. Officers may be assigned to selective enforcement activities as their normal duties allow. These assignments should be based on existing crash data and/or violation problems.

1. Patrol Supervisors will be responsible for monitoring the selective enforcement activities of the officers under their command.
2. Individual officers may initiate selective enforcement activities within their assigned portion of the city.
3. Patrol Supervisors will monitor the selective enforcement activities by comparing the locations of citations issued with the problem locations, this data will be provided by Crime Analysts.

B. Supplemental Traffic Enforcement Squad Activities.

1. Supplemental Traffic Enforcement Squads, typically grant-funded Toward Zero Deaths (TZD) squads, may provide traffic enforcement throughout the city, on the interstate system, at locations with high numbers of vehicle crashes or violations, and in response to complaints received from city officials or police administration.
2. The TZD Coordinator or designee will maintain data related to the TZD squad's selective enforcement activities. This data may include information such as the number of selective enforcement activities, their locations, and their outcomes.

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- a. The TZD Coordinator or designee will review traffic enforcement activities periodically, and will compare the locations of those activities with the high traffic crash locations identified quarterly by the CAU.

506.4 IMPLEMENTATION OF SELECTIVE ENFORCEMENT TECHNIQUES

A. Strategies and tactics used for selective traffic enforcement will be consistent with the nature of violations and the potential of violations to interfere with safe traffic flow.

B. One or more of the following types of traffic control may be used:

1. Line Patrol: Patrol between two specific points on a given street.
2. Area Patrol: Moving patrol within a defined area.
3. Directed Patrol: Assignment of officers to a specific location to address a specific enforcement issue.
4. Stationary Traffic Observation: Visible stationary observation and/or concealed stationary observation.

C. Officers may use countermeasures that would be effective for specific enforcement problems. These countermeasures may include the use of:

1. Marked police vehicles.
2. Semi-marked police vehicles (no external light bars).
3. Unmarked police vehicles.
4. Specialty vehicles.

506.5 SELECTIVE TRAFFIC ENFORCEMENT REVIEW

A. The TZD Coordinator or designee will continually evaluate the Duluth Police Department's selective traffic enforcement activities, and will, at least annually, complete a documented selective traffic enforcement review (TZD Annual Report).

1. The documented evaluation will assess past and current selective enforcement activities, and will serve as a guideline for future selective enforcement efforts.

CALEA 61.1.1, 61.1.6

Chapter 6 - Investigation Operations

Case Screening, Assignment, and Management

600.1 PURPOSE

Due to the high volume of criminal matters reported to the Department, it is necessary to establish criteria by which cases are assigned for follow-up investigation. Some cases, by their nature, require follow-up; however, the majority of cases must be viewed in terms of solvability and available resources.

600.2 POLICY

It is the policy of the Duluth Police Department to investigate crimes to the extent practical. The Duluth Police Department's investigative resources will be managed to ensure that the focus is on those cases and offenders that possess the highest probability of conclusion.

The decision to continue or discontinue a case shall be made on available information, and may be based in part, on the desire and willingness of the victim to pursue the case, the existence of any suspects, and the existence of sufficient weighted solvability factors obtained through the initial investigation. (see Policy 345)

600.2.1 OBJECTIVES OF CASE SCREENING

1. To establish the policies and procedures for determining whether to assign a case for additional follow-up investigation or to suspend any further investigation.
2. To establish the responsibility and accountability for the decision to assign or screen out a case.
3. To manage the investigative caseload so that the potential for solving cases is improved.
4. To assign for additional follow-up investigation only those cases with sufficient solvability factors, in order to increase the probability of case clearance.
5. To provide procedures for notifying crime victims of the current status of their case.

600.2.2 OUTCOMES OF CASE SCREENING

1. Early suspension of unpromising cases, or
2. Follow-up investigation of those cases with a reasonable probability of case clearance.

600.3 CASE SCREENING RESPONSIBILITY

- a. At the conclusion of the patrol investigation, the Patrol Officer/Supervisor must decide further action. The case can be suspended at the patrol level, or forwarded by the Patrol Supervisor (or their designee) for follow-up by investigations. This is accomplished thru a an activity entry to the appropriate investigative unit.
- b. Patrol Officers/Supervisors are also required to make appropriate an activity entry regardless of the case status. This is done to insure that any potential crime patterns or trends are not overlooked. An activity entry should provide details as to the type of crime, time of day, place of occurrence and information relating to the solvability factors used.

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600.4 INVESTIGATIVE UNIT LEADER

The responsibility of the Unit leader in the case screening process will be:

- (a) To review all offense reports forwarded to the investigative section.
- (b) To assure all cases receive one of the following designations:
 - **Open** - Case is assigned to an investigator, or has been referred back to patrol for completion, the case is active.
 - **Suspended** - Case is not actively being investigated but may be re activated if warranted. Cases may be suspended after preliminary investigation or when follow-up investigation becomes unproductive. (Suspended cases will be considered closed when the statute of limitations has expired.)
 - **Closed** - Case has been resolved by prosecution, charges were denied, or investigation resulted in unfounded complaint. Closed cases may be reactivated, but it is not anticipated they will warrant reactivation.
 - **Cited** - A citation has been issued ordering the offender to appear in court.
 - **Charged** - The case has been referred to the prosecuting attorney and the offender(s) has been formally charged with a crime.

The Unit Leader or their designee is responsible for notifying the victim of any changes in case status. This may be accomplished via a letter or phone call to the victim. Be sure to call all the numbers provided by the victim including extra contacts.

The Unit Leader is responsible for assuring that the appropriate activity entry has been done regarding any change in case status.

The Unit Leader is responsible for assuring that activity entries are utilized by investigators to detail the actions taken throughout the investigative process. CAL entries allow officers, unit leaders and Record Support Unit personnel to access critical information about incidents. This enables personnel to make appropriate decisions regarding new information that becomes available in the investigator's absence. It also provides accurate and timely answers in response to requests for information from victims/witnesses, in the investigating officer's absence.

The decision as to whether a crime report will be investigated should be based on the following factors;

- (a) The quality of the preliminary investigation,
 - (b) Whether sufficient solvability factors and values are present in the case,
 - (c) Investigative resources.
- Upon assignment of the case by the Investigations Supervisor, an investigation shall be initiated and a follow-up report submitted within 10 days. The follow up report can be in the form of an activity entry indicating the investigator has reviewed the file, contacted the victim and made progress towards clearance. This may be extended or waived at the discretion of the Unit Leader.

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- Unless otherwise directed, upon assignment of the case, the assigned Investigator shall ensure all records, statements, lab reports, and other case related materials with the case file have been loaded into RMS. This allows other investigators and Unit Leaders to have access to the file at all times. This does not pertain to confidential information such as internal investigations, protected cases and investigations conducted by SIU/GSF.
- The Investigator shall review the status of all assigned cases within 30 days after assignment. Investigators will make a recommendation to the unit leader either to leave the case in an "Open", "Suspended", or "Closed" status. Open cases will remain under investigation. Suspended cases are those cases that may need more elements to move to a closed status. Cases may be closed by arrest, exceptional clearance, or charges.
- Investigative Unit Leaders should review quarterly, the number of cases assigned to each officer in their Unit, and the case dispositions. Annually the Unit Leader will submit unit statistics and a synopsis of unit activity to the Divisional Deputy Chief for inclusion in the annual report.

600.5 EXCEPTIONAL CIRCUMSTANCES

While the case screening criteria are very specific, the Investigative Case Screening Process will be flexible enough to allow for exceptional circumstances including, but not limited to:

- (a) Offenses of significant importance to the community.
- (b) Potential danger to victim(s) or witness(es).
- (c) Seriousness of offense.
- (d) Modus operandi, pattern, or frequency of the offense.
- (e) Management decisions to pursue a case regardless of solvability factors.
- (f) While there is a degree of flexibility in the case screening process, exceptional circumstances such as those described above shall be the exception, rather than a standard procedure.

600.6 REPORT REVIEW - CRIME ANALYST AND COMPSTAT COORDINATOR DUTIES

The responsibility of the Crime Analyst and Compstat Coordinator in the case screening process will be:

- (a) To analyze offense type, incident and other reports for crime patterns and trends, similar modus operandi characteristics, or unique factors;
- (b) Notify appropriate personnel of the results of these analyses through bulletins, spot maps and/or other appropriate reports;
- (c) Track case details for those incidents that do not have enough solvability factors to be assigned for follow up;

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- (d) Analyze changes in patterns and trends in connection with changes in enforcement efforts.
- (e) Review current trends, patterns, and/or problems with the Chief of Police (or designee) as needed.

Crime analysis/Compstat data will be available to Patrol Officers, Investigators and Supervisors on a weekly basis, through hard copy and electronic means.

600.7 LIEUTENANT OF MAJOR CRIMES AND TASK FORCE/SPECIAL INVESTIGATIVE UNIT

The responsibility of the Major and Task Force/Special Investigative Crimes Lieutenant(s) in the case screening process will be:

- (a) Oversee the case screening process, and
- (b) Resolve any problems or conflicts developing from the process.

CALEA 42.1.1, 42.1.2, 42.1.3, 42.1.4, 43.1.1

Sexual Assault Investigations

601.1 PURPOSE

It is the policy of the Duluth Police Department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, actively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce in a timely manner the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

601.2 SCOPE

Initial officers responding to a sexual assault usually provide the bulk of the evidence for the prosecution. Officers play a significant role in both the victim's ability to cooperate in the investigation and the ability to cope with the emotional and psychological after effects of the crime through a partnership with victim services. Therefore, it is especially important that these cases be handled with a victim-centered approach. A concise, thorough and accurate initial investigation will increase the opportunity for prosecution and use of victim services.

601.3 DEFINITIONS

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

A. Consent: As defined by Minn. Stat. 609.341, which states:

- 1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
- 2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.
- 3) Corroboration of the victim's testimony is not required to show lack of consent.

B. Child or Minor: a person under the age of 18.

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C. Adult/Adolescent: Any victim age 13 or above, or any victim that has begun menses.

D. Pediatric: Any victim under the age of 13.

E. SANE or Medical Forensic Examiner: The Sexual Assault Nurse Examiner or health care provider conducting a sexual assault medical forensic examination.

F. Sexual Assault: A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

G. Family and Household Member: As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

- 1) spouses or former spouses;
- 2) parents and children;
- 3) persons related by blood;
- 4) persons who are presently residing together or who have resided together in the past;
- 5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
- 6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- 7) persons involved in a significant romantic or sexual relationship

H. SANE Exam or Sexual Assault Medical Forensic Examination: An examination of a sexual assault patient by a SANE or health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

I. Victim Advocate: A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse.

J. Victim Centered: A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

K. Vulnerable Adult: any person 18 years of age or older who:

1. is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;
2. receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

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3. receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

4. regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

a. that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

b. because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

601.4 INITIAL RESPONSE

Sexual assault investigations require a response by at least one primary officer and a notification of a patrol unit leader. The initial officer assesses the victim's safety, need for emergency medical treatment and provides, or arranges for, transportation to a hospital for medical treatment/evidence collection.

If the initial assessment by the officer and supervisor shows a need for additional officers, the initial officer assumes responsibility for the victim while additional officers assume responsibility for preserving the scene, gathering evidence, searching for the suspect and other tasks as necessary.

A. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

2) The officer shall attempt to determine the location/jurisdiction where the assault took place. Officers shall take an initial report regardless of where the assault occurred.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Ensure that the victim knows they can go to a hospital emergency room for a forensic medical exam. Offer to arrange for transportation for the victim. Upon arrival, the hospital will contact an advocate.(PAVSA) Assisting with a criminal investigation is not a requirement for medical care.

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5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) If a victim declines to go to a hospital ER, Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. (PAVSA) Upon victim request, the officer can offer to contact local victim advocate on behalf of the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred and/or alternate contact information for the victim for follow-up.

B. Additional Actions by Responding Officers

Officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.

2) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).

3) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

601.5 PRELIMINARY INTERVIEW OF THE VICTIM

The primary investigating officer has the responsibility of interviewing the victim and completing an initial report on the incident. The only exception to the initial interview is when the victim is under the age of 13, do not interview them. Make sure that a statement is taken from whoever brought the child/victim to the hospital.

The purpose of this interview is to obtain information concerning the basic elements of the crime, identify any and all witnesses, suspect(s), evidence, and crime scene(s), and determine the relationship between the victim and suspect(s) to determine if the incident also meets the elements for a domestic violence crime. Pertinent information should be given to assisting squads as soon as possible.

Officers should recognize that victims of sexual assault due to their age or physical, mental or emotional distress are better served by asking open ended questions. The officer should allow the victim to speak freely and spontaneously. The officer should avoid using language of consensual

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sex or asking leading or suggestive questions. The victim's response to the trauma of a sexual assault shall not be used in any way to measure credibility.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- During initial victim interview, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 1. Whether the suspect was known to the victim
 2. How long the victim knew the suspect
 3. The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 4. The extent of their previous or current relationship
 5. Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 6. Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 7. Relevant communication through social media, email, text messages, or any other forms of communication

The officer should let the victim know that they will be contacted by an Investigator from the SCAN Unit, but DO NOT provide a time frame for that contact.

601.6 PRELIMINARY SUSPECT INTERVIEWS

Prior to contacting the suspect, officers should consider the following:

1. Checking the criminal history and local law enforcement contacts with the suspect specifically looking for accusations, criminal charges, and convictions.
2. If conducting a pretext call, confrontational call or message exchange with a suspect, Officers should contact an investigator to discuss investigative strategy. Involvement of

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a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

3. When possible, an attempt should be made to interview the suspect in person.
4. In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media or electronic communications) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
 - c. Obtain photographs of the suspect.

For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per department policy).

601.7 GATHERING AND PRESERVING EVIDENCE AT THE SCENE

It is critical that the chain of custody of evidence be maintained by all personnel involved in evidence collection. Not all sexual assault incidents will have identifiable scenes containing recoverable and/or timely evidence. When presented with an identifiable crime scene containing recoverable evidence a decision should be made whether recovery is best done by the patrol officer, by a POCSI officer, or by the Crime Scene Unit. Generally speaking, patrol officers are expected to seize evidence such as bed sheets, clothing, articles left by the suspect, articles touched by the suspect, alcohol and/or drugs or their containers that may have been ingested by the suspect or victim, and other similar evidence. In cases where evidence collection is not done by the Crime Scene Unit, evidence collection is done under the direction of the patrol supervisor.

Patrol supervisors should summon Crime Scene Unit personnel to the scene in cases where evidence must be collected from immovable objects (walls and floors for example), where specialized collection techniques or equipment are needed, where spatter and other similar fluid evidence is to be documented and collected, in cases where the scene requires specific processing needs such as special photography, lighting, measurements and/or high profile cases.

The Duluth Police Department will maintain evidence for CSC 1st, 2nd and 3rd for 9 years from the date of the incident, CSC 4th and 5th for 3 years from the date of the incident. DNA evidence will be maintained permanently with the exception of a BCA kit that was sent to the BCA and returned. In that case the BCA will keep a copy of the DNA profile on record. DPD will not be contacting victims at the conclusion of the maintenance of evidence, and no effort will be made to return evidence to victims. (Exception would be made for items of value).

Evidence Considerations

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Officers shall follow department policy on crime scene response. In addition, officers may do the following:

- a. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
- b. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- c. If the victim has declined or a medical forensic exam (SANE) will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

601.8 THE COLLECTION OF EVIDENCE FROM THE SUSPECT

Note: The collection of evidence from a suspect may be done by either an investigating officer/investigator or the Crime Scene Unit.

1. Prior to or immediately after the preliminary suspect interview, photograph any injuries.
2. Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
3. During the suspect's collection of evidence the investigator or officer, should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 - b. Collect biological and trace evidence from the suspect's body;
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - e. Document the suspect's relevant medical condition and injuries.

601.9 ADVOCATES

The Program for Aid to Victims of Sexual Assault (PAVSA) provides 24 hour advocacy services to victims of sexual assault. These services are also available to family, parents, partners and other supportive persons of the victims, who will be referred to as secondary victims. These services

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include: providing support, crisis intervention, information and referral. These services can be provided on-site where the report is taking place, at the hospital or over the phone. It is always the victim's choice about whether or not they speak with an advocate.

In cases where the victim presents at or is taken to a Duluth hospital, the ER personnel will call an advocate. In such cases, the officer should verify that an advocate has been called. If the hospital has not contacted an advocate, it is the officer's responsibility to contact an advocate.

In rare cases where the victim is not seen at the hospital, the officer will explain the services provided by PAVSA advocates and the right of a victim (or secondary victim) to speak with an advocate prior to conducting the preliminary interview, or to have one present if possible. If the victim chooses to have an advocate contacted, the officer will immediately contact the 24 hour crisis line at 218-726-1931. If the victim does not wish to have an advocate contacted at that time, the officer will provide a DPD Crime Victim Information Card with the PAVSA phone number circled, to the victim.

Officer's reports must document their advocate notification efforts, including the first name or initials of the advocate, in the report.

601.10 SANE (SEXUAL ASSAULT NURSE EXAMINATION) OR MEDICAL FORENSIC EXAMINATION

Time is critical in obtaining medical evidence from the victim. It is preferred and considered best evidence for all CSC victims to have a Sexual Assault Medical Forensic Examination or SANE. SANE will perform an examination up to 14 days post assault. If feasible, the victim should be advised to bring a change of clothes to the examination. The officer accompanies the victim to the hospital for a medical examination/collection of evidence.

A. Prior to the SANE examination the investigating officer should do the following:

1. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
2. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the SANE, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
3. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the hospital.

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4. Ask the victim for a signed release for access to medical records from the exam.
*Officers should not be present during any part of the exam, including during the medical history.

In addition to the BCA Sexual Assault Evidence Collection Kit, the Medical Forensic Examiner (SANE) will offer to collect the following tests for adult/adolescent victims:

- A urine sample for establishing the presence of chemicals either voluntarily ingested or given to the victim without their permission for BCA testing as necessary for the investigation
- A blood sample for purposes of establishing blood alcohol level for BCA testing as necessary for the investigation

Sexual Assault Nurse Examiner's (SANE) personnel are available 24 hours at both hospitals. Their responsibility is to collect, package and label physical evidence. They will obtain sufficient information from the victim to collect pertinent evidence. ****Note**** SANE will not perform an exam on a victim who is unable, due to intoxication or medical condition, to give consent. If a SANE is not available to respond to the hospital it is the responsibility of the responding officer to collect evidence and photos from the victim where applicable.

SANE personnel package all evidence collected, including clothes, BCA kits and photographs, for release to police. The investigating officer transfers the evidence to HQ and secures it in compliance with Department policy and as required by 299C.106. It is not necessary for the officer to open the sealed evidence. The only exception to this would be items that need to be "dried" prior to sealing. The medical release form should be sent to records.

601.11 CRIMINAL SEXUAL CONDUCT RESTRICTED (CSCR)

On behalf of the victim, SANE personnel may make a restricted report of a sexual assault if the victim has not yet made the decision to report to law enforcement. This reporting option allows for DNA and other evidence to be collected and stored.

The SANE will obtain an ICR number from 9-1-1 with SANE as the reporting party and give approximate address of offense.

The SANE will collect, photograph and package any evidence present.

Officers will be dispatched to the hospital at the completion of the medical examination/evidence collection, after the victim has been released from the emergency room. The officer reports to the Charge Nurse to retrieve the packaged evidence and photograph disk. Chain of custody protocol should be followed for the transfer of the evidence from the hospital to the officer. The hospital is required to have a secure location to ensure the chain of custody. The evidence is transported to HQ and secured in accordance with Department regulations. The officer should not open sealed packages (BCA kits and photo disks) collected from the hospital.

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Each item should also be labeled "SANE" in addition to the ICR number. Evidence report should not contain any information identifying the victim.

The disposition is RPT (report).

The SANE program will retain the victim's identifying information.

601.12 RECORDING VICTIM AND WITNESS STATEMENTS

Officers conducting all criminal investigations will, whenever possible, record oral victim and witness statements in lieu of written statements. It is not necessary to advise a victim or witness that their statement is being recorded. Officers should use discretion when determining the best method of recording depending on the circumstances of the event. For example with cases of domestic or sexual violence, a discrete and low profile approach to recording would be appropriate in an effort not to add to the distress the victim may already be experiencing.

601.13 QUALIFYING DOMESTIC VIOLENCE RELATIONSHIP

Recognizing the crossover between domestic violence and sexual assault allows us to have a more comprehensive victim centered response. Consider this co-occurrence when interviewing the victim. Begin by determining if there is a qualifying relationship (family or household members are defined in Minnesota Statute 518b.01 Subd. 2) as you would in a domestic violence investigation. If it is a domestic relationship, then the Risk Questions should be asked and the report should be forwarded to SCAN. Document in your report what the relationship is and if there is a history of domestic violence between the victim and the suspect.

601.14 SPECIAL CONSIDERATIONS – MINORS AND VULNERABLE ADULTS/DOMESTIC ABUSE VICTIMS

1. Minors and Vulnerable Adults

The Duluth Police Department recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

- (1) Ensuring the safety of the victim;
- (2) Ensuring the scene is safe;
- (3) Safeguarding evidence where appropriate;

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- (4) Collecting any information necessary to identify the suspect; and
- (5) Addressing the immediate medical needs of individuals at the scene

b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota § 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

d. Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota § 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them. *If DPD is responsible for transport, notify supervisor and arrangement should be made to contact legal guardian of child's whereabouts and condition only.

e. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

f. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

601.15 VICTIM RIGHTS

Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)

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2) Crime Victim Rights: Officers must provide the following information to the victim:

- a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
- b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
- c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
- d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow department policy regarding limited English proficiency.

601.16 REPORTS AND REFERRALS

Each officer involved in the initial investigation shall complete individual reports.

Sexual assault reports must be completed before the end of the officer's shift if the initial report of the assault to police was done in a timely manner. The report should be marked as "priority" for prompt follow up investigation.

The primary officer involved in the incident is responsible for making a referral to the SCAN Unit by the end of the shift.

601.17 ROLE OF THE SUPERVISOR/INVESTIGATOR

Supervisors may do the following:

- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.

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3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

601.18 CASE REVIEW/CASE SUMMARY

A supervisor/investigator should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of additional evidence for lab testing if needed
- 4) Interviewing decisions
- 5) Confirmation of kit being sent within (60) days

CALEA 83.2.1

Administrative Forfeiture DWI and Fleeing in a Motor Vehicle

602.1 PURPOSE AND SCOPE

It is the purpose of this policy to establish investigative and administrative procedures involving forfeitures related to Driving While Impaired (DWI) and Fleeing a Peace Officer in a Motor Vehicle.

602.1.1 POLICY

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

602.1.2 DEFINITIONS

Administrative Forfeiture: a seizure that resulted in a "Notice of Seizure and Intent to Forfeiture Property" form being served.

Motor Vehicle: means every vehicle which is self-propelled. It does not include an electric personal assistive mobility device or a vehicle moved solely by human power.

- For purposes of this policy, motor vehicle and vehicle do not include a vehicle which is stolen or taken in violation of the law.

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

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.

Flee: means to increase speed extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle.

Owner: means a person legally entitled to possession, use, and control of a motor vehicle, including a lessee of a motor vehicle if the lease agreement has a term of 180 days or more, they are listed as the registered owner by the Department of Public Safety; and whether or not there are two or more owners listed it is presumed each owner's interest extends to the whole of the vehicle.

Family or Household Member: means a parent, stepparent, or guardian; and of the following persons related by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or persons residing together or persons who regularly associate and communicate with one another outside of a workplace setting.

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602.2 SEIZED MOTOR VEHICLES SUBJECT TO ADMINISTRATIVE FORFEITURES

The following motor vehicles may be seized and are presumed to be subject to administrative forfeiture when involved in the following designated offenses.

- (a) A motor vehicle used to commit or facilitate or used during the commission of a violation of Minnesota State Statute §609.487 (Fleeing a Peace Officer in a Motor Vehicle):
 - 1. in which life or properties were endangered and;
 - 2. when the driver is the owner of the motor vehicle or was privy to the act and did not take reasonable steps to terminate the use of the vehicle by the offender.
- (b) A motor vehicle used during a violation of 169A.20 (Driving While Impaired);
 - 1. under the circumstances described in §169A.24 (1st Degree DWI or Test Refusal); when the vehicle is owned by either the driver or a family or household member.
 - 2.
 - 3.
 - 4. under the circumstances described in Minnesota State Statute §169A.25 (2nd Degree DWI or Test Refusal) when the driver has two prior or more qualified prior impaired driving incidents within the past 10 years; when the driver is the owner, or if the owner of the vehicle was privy to the act or omission upon which the forfeiture is based, or the act or omission occurred with the owner's knowledge or consent.

602.3 TOWING AND REFERRALS

If an officer believes a motor vehicle is subject to forfeiture, the vehicle shall be taken or towed, at the time of the arrest, to the police impound lot.

Officers shall inventory the vehicle and its contents in accordance with the departments Towing Procedures, Policy 511. Officers will make a notation in the comment field of the Towed Vehicle Report "Seized Subject to Forfeiture." The officer shall attach an invoice from the tow company to the tow slip.

The officer seizing the vehicle shall, by the end of their shift, assign a case activity to the Traffic Unit indicating the make of the vehicle, the location of the vehicle, and circumstances of the seizure.

602.4 PROCESSING SEIZED VEHICLES FOR FORFEITURE

Motor vehicles subject to forfeiture relating to a DWI or Fleeing a Peace Officer in a Motor Vehicle arrest will be processed by the Administrative Sergeant in charge of forfeitures or a designee. The Administrative Sergeant or designee must ensure the Notice of Seizure and Receipt (a and b below) are served within the statutory time-lines. This service may be accomplished at the time of arrest.

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- (a) The proper Notice of Seizure and Intent to Forfeit Property form. This form must be completed to include the following: a description of the vehicle seized, the name of the individual served with the location, the date of seizure, and case number.
- (b) A receipt for the item(s) seized;
 1. These forms must be served to the driver, and the owner or owners if the driver was not the owner, in a reasonable amount of time.
- (c) The Administrative Sergeant or designee must also:
 1. notify vehicle lien-holders of the forfeiture by certified mail;
 2. send copies of the forfeiture forms and reports to the prosecuting authority;
 3. retain copies of the seizure notices, property receipts and a copy of all reports in the records management system.

602.5 CASE FILE STATUS

The Administrative Sergeant or designee will be responsible to assist at each step of the forfeiture process, including court hearings, titles, and final disposition of each vehicle.

The Administrative Sergeant or designee will maintain the case file in the records management system and shall note the final disposition of the vehicle in a Case Activity.

602.6 DISPOSITION

Court-ordered disposition may include (Minn. Stat. § 609.5315 and 169A.63):

- retention by the [Department/Office]
- sale, performed in a commercially reasonable manner
- other disposition pursuant to applicable provisions of Minnesota Statutes.
- proceeding stayed pursuant to MN statute 169A.63 Subdivision 13
 - The Administrative Sergeant or designee shall confirm the driver has scheduled an appointment to have ignition interlock installed prior to the vehicle being released.
 - The Administrative Sergeant or designee shall collect reasonable costs of towing, seizure, and storage before the vehicle is released.

Members of this department or persons related to members of this department by blood or marriage are prohibited from purchasing forfeited items sold by this department.

602.7 DISTRIBUTION OF ASSETS FROM FORFEITURE

Following a court determination that the seized vehicle is subject to forfeiture, the department shall dispose of the property pursuant to Minn. Stat. § 609.5315 and Minn. Stat. § 169A.63.

- (a) Any forfeited property kept by this department may not be used for any purpose other than the performance of official duties (Minn. Stat. § 609.5315 Subd. 3). Reasonable efforts will be made to ensure that the motor vehicles forfeited resulting from a DWI arrest will be the drug abuse resistance education program.

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Administrative Forfeiture DWI and Fleeing in a Motor Vehicle

- (b) All forfeiture proceeds derived from the sale of property must be applied first to satisfy valid liens and forfeiture sale expenses (Minn. Stat. § 609.5315 Subd. 4). The balance shall be deposited pursuant to Minn. Stat. § 609.5315 and 169A.63.
1. Seventy percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the state or local agency's operating fund or similar fund for use in DWI related enforcement, training, crime prevention, equipment, capital expenses and education;
 2. Twenty percent of Fleeing Forfeiture proceeds and thirty percent of DWI Forfeiture proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.
 3. Ten percent of fleeing forfeiture proceeds must be forwarded to the state.

602.8 STATE FORFEITURE REPORTING

The Administrative Sergeant or designee shall report all forfeitures, fleeing and DWI, to the Minnesota Office of the State Auditor through the State Auditor's Form Entry System (SAFES) and the following information:

- the statutory authority for the forfeiture
- the date of the forfeiture
- the type of vehicle
- whether the forfeiture was contested
- the sale amount
- the department cost associated with the vehicle

Confidential Funds

603.1 PURPOSE AND SCOPE

Confidential funds shall be used for the purposes intended and in accordance with standard accounting procedures. The use of confidential funds for the purchase of contraband, payment to cooperating individuals, and other authorized investigative expenditures is recognized as a significant factor in solving many criminal cases.

603.2 CONFIDENTIAL FUNDS ACCESS AND RESPONSIBILITIES

Officers assigned to positions allowing for the use of confidential funds shall utilize the practice of accessing cash via a bank ATM. The Organized Crime Lieutenant shall coordinate with the appropriate City Officials to establish an account agreement with a banking institution to allow for the deposit of confidential funds. Officers assigned to positions allowing for the use of confidential funds shall be issued ATM cards. Officers shall use the cards to obtain currency for the purpose of criminal investigations and intelligence gathering.

Assigned officers are responsible for the security of their issued card as well as the confidentiality of the PIN number. Officers shall not use any ATM card issued to any other officer. Officers are individually allowed to draw up to \$1200.00 per day in a maximum of three transactions per day; the assigned supervisor is allowed to draw up to \$1500.00 per day in a maximum of 3 draws per day.

In cases where additional funds are needed, officers may pool funds. In these circumstances, the appropriate documentation must be completed on the Confidential Funds Receipt. In cases where large amounts of cash are needed to be used as a "flash roll" or to conduct a large purchase, The Organized Crime Lieutenant or designee shall contact the City of Duluth Treasurers' office to make arrangements for the acquisition of larger amounts of cash.

All transactions will be documented on the Confidential Fund Log. This log will be a record of daily spending and will be monitored by the Organized Crime Lieutenant or designee to ensure that appropriate funds are maintained in the account. When funds are needed to replenish the account, the Organized Crime Lieutenant or designee will notify the City Auditor by submitting a written request for funds. A record of the up-to-date amount spent out of the account will be included with the request. Upon receipt of this request, the Auditor will arrange to have the account funded to a \$10000.00 balance.

Officers shall retained ATM receipts for each transaction. Unused funds may be deposited back into the account or retained by officers. Deposits should be made in person to bank staff. A receipt must be obtained from the bank documenting the deposit. If officers make a deposit outside business hours (in the night deposit box), the officer making the deposit must complete a written deposit record. The record must be signed by the depositor and witnessed by at least one other officer. All expenditures will be tracked by each officer by using a Confidential Funds Expense Accounting Sheet.

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Confidential Funds

Officers shall obtain and maintain receipts for all expenditures, ATM transactions, and deposits. These items and the Confidential Funds Expense Accounting Sheet shall be turned in to the Organized Crime Lieutenant or designee on or about the 1st and the 15th of each month.

On or about the 1st and 15th of each month, or as soon as practicable, the Organized Crime Lieutenant or designee will review all Confidential Funds Expense Accounting Sheets, ATM receipts, Confidential Funds Receipts, and other documentation to determine if funds are spent appropriately and within policy. The Organized Crime Lieutenant or designee will audit the expenses to ensure that ledgers are accurate.

603.3 USE OF CONFIDENTIAL FUNDS

Officers shall have access to confidential funds to be used in furtherance of investigative efforts. Confidential funds shall be used in furtherance of investigative purposes and may be utilized as follows:

- (a) Payments made directly to informants
- (b) Purchases of illegal drugs, contraband, or other evidence of criminal activity
- (c) Expenses related to authorized undercover operations
- (d) Payments of investigative expenses (hotel rooms, rental equipment, etc.), fuel, oil, and vehicle maintenance should not be paid using confidential funds
- (e) Flash money
- (f) Purchase of services, equipment, or information

603.4 RESPONSIBILITIES

603.4.1 LAKE SUPERIOR DRUG AND VIOLENT CRIMES TASK FORCE COMMANDER

The Lake Superior Drug and Violent Crimes Task Force Commander or designee will be responsible for the following:

- (a) Maintenance of confidential funds in accordance with all applicable laws, policies and procedures
- (b) Proper disbursements and deposits
- (c) Bookkeeping and internal audits
- (d) Maintaining a file containing copies of relevant fund transaction documents
- (e) Review of all Confidential Funds Receipts to ensure that written reports, intelligence entries, receipts, and appropriate documentation have been submitted by the submitting officer
- (f) Monitor spending as it relates to payments to individual informants and ensure that thresholds established in policy are met
- (g) Coordinate timely tracking of account activity in partnership with the City of Duluth Treasurer and the City of Duluth Auditor

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603.4.2 ASSIGNED OFFICERS

Assigned officers will be responsible for the following:

- (a) All payments shall be documented on a Confidential Funds Receipt. If payment is made to a CI (Confidential informant),CRI (Confidential Reliable Informant), CW (Cooperating Witness), CD (Cooperating Defendant), or other person, the person receiving the funds shall sign the Confidential Funds Receipt. The signature shall be witnessed by the primary officer, a witness, and signed by both.
- (b) The Confidential Funds Receipt shall be completed in full and will minimally record the following information:
 - 1. The item or informant number on which the money was spent
 - 2. The date, time, and location of expense
 - 3. Originals or copies of all supporting documentation (receipts)
 - 4. Type of investigation
 - 5. Case number
- (c) Any confidential funds used to purchase evidence by a CI/CRI/CW/CD or other person shall be photocopied or photographed in such a manner that serial numbers and denominations are recognizable. These photocopies or photographs will be scanned into media in the record management system under the corresponding case number.
- (d) If prerecorded confidential funds are recovered during an investigation (search warrant, arrest, etc.), these funds shall be photographed or photocopied separately from other evidence and counted by at least two officers. The currency shall then be deposited back into the appropriate bank account account.
- (e) The involved officer making the deposit shall obtain a deposit receipt from the bank. The deposit receipt will be turned in along with other transaction receipts submitted by the officer at the appropriate times outline in this policy. The chain of custody in this process must be documented in a written report by the involved officer.
- (f) Any time confidential funds are spent during a controlled buy, operation, or other activity, the officer shall prepare a written report documenting the use of the funds. A written report is not required when funds are used in the following manner:
 - 1. Expenses associated with the purchase of supplies or services used in a department operation, (i.e. phone cards, costumes/disguises, hotel rooms, etc.) In these circumstances, receipts must be submitted.
 - 2. For the purchase of intelligence information obtained from an informant. In these circumstances, an intelligence entry into the intelligence database is required. The worksheet entry must correspond with the date of the payment; the

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informant number recorded on the Confidential Fund Receipt, and must highlight all intelligence

603.5 EXPENDITURE LIMITS

Expenditures outside the following parameters require approval by the Organized Crime Lieutenant or designee:

- (a) \$40.00 payment to informants for intelligence information
- (b) \$60.00 payment for service at the completion of an intelligence level controlled buy. Attempted controlled buys may be compensated at the rate of \$40.00 if documented intelligence information is obtained
- (c) \$100.00 Payment for service at the completion of a prosecutable level controlled buy
- (d) \$200.00 payment to informants at the completion of a successful search warrant or arrest that resulted from the informant's involvement
- (e) \$500.00 for the purchase of evidence
- (f) Expenses related to an investigation in excess of \$500.00.

603.6 AUDITS

At least once every six months, The Lake Superior Drug and Violent Crimes Task Force Commander shall arrange to have a thorough audit of all confidential funds account activity to ensure accountability and security of the funds. Audits may consist of random sampling or a full examination of applicable documentation.

CALEA 43.1.3

Confidential Informants

604.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Duluth Police Department and the officers using informants it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

604.1.1 DEFINITION

For the purpose of this Order, an Informant is an individual that provides information to the Department in exchange for money or consideration in a criminal case. A concerned citizen who gives information regarding a criminal case is not considered an informant and, therefore, should not be considered to receive monetary compensation.

604.1.2 USE OF INFORMANTS

Informants are assets of the law enforcement agency that utilizes their services. As such, informants are not the assets of any one individual or specific person. The initiating investigator shall compile sufficient information through background investigation to determine the reliability and credibility of the informant. In addition to verification of information provided by an informant during debriefings, a controlled buy may be performed to help establish reliability and determine the amount of management controls needed for the informant.

The unique nature of the uniform patrol assignment may dictate the need for assistance of a plainclothes investigator when using a confidential informant, but in all cases, the use of a confidential informant by a uniformed officer shall:

- (a) Be coordinated through the member's supervisor, and
- (b) Comply with all requirements of this policy

Before using an individual as a confidential informant, an officer must receive approval from the Lieutenant of the Organized Crime Bureau or designee.

604.1.3 CONFIDENTIAL INFORMANT MANAGEMENT

Members of the Duluth Police Department are authorized to work with confidential informants to aid in successful case conclusion. An investigator must consider these three criteria when deciding whether to use a person as an informant:

- (a) The person is in a unique position to help law enforcement regarding past, present or future investigations
- (b) The person will not compromise law enforcement interests, activities or investigations
- (c) The person agrees to the direction necessary to effectively use his/her services.

If it is determined that the confidential informant is currently assisting another agency, that agency shall be contacted to determine that no duplication or conflict of efforts will occur, as well as to

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establish the reliability of the confidential informant. The information as to which agency is working the confidential informant will be noted on a Confidential Worksheet.

If it is determined that the confidential informant is currently on probation or parole status, pre-trial release, in a diversion program, or any other court sanctioned supervision the member shall obtain permission from the supervising Probation or Parole Officer prior to any utilization as a confidential informant

No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.

Persons who are designated as a Sexual Predator or a Sexual Offender, along with persons who have local and/or extraditable warrant/capias, shall not be utilized as confidential informants without prior approval of the Chief of Police.

Whenever possible, informants shall not be provided with knowledge of Operational Plans or planned enforcement activities. If the informant is involved in a meeting, transaction or controlled purchase, only limited, necessary information for officer and informant safety and success of the operation will be provided to the informant. Minimal contact with other law enforcement personnel, including surveillance teams, should be the rule. Under no circumstances shall an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.

- When utilizing an informant, an officer shall take all necessary precautions to ensure their safety to include but not limited to the following:
- Use of an informant's control number in lieu of their name.
- Actively monitoring any use of the informant by utilizing a covert transmitting device.
- Physical Surveillance by multiple law enforcement personnel during any use of the informant with the ability to respond if the situation becomes life threatening for the informant.
- When able, completing case investigations in a manner that will protect the identity of the informant upon arrest of an offender.
- Specific and clear instructions to the informant prior to any use that may include controlling meeting locations, minimalizing time of the operation, leaving the operation if necessary and how to summon assistance from law enforcement.

604.2 INFORMANT FILE SYSTEM

The Lake Superior Drug and Violent Crimes Commander shall maintain a complete set of informant files that contain the required documentation and information relating to all Duluth Police Department informants that they have used or are currently being used by the Duluth Police Department. The Lake Superior Drug and Violent Crimes Commander or designee will review and ensure the file is complete. After review, the Lake Superior Drug and Violent Crimes Commander or designee will approve and sign each informant file. Each file shall be regularly reviewed by the Lake Superior Drug and Violent Crimes Commander or designee to ensure compliance with department policies and procedures.

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No informant payment or activity may be commenced until the completed informant file and associated documentation is reviewed and approved by the Lake Superior Drug and Violent Crimes Commander or designee.

Officers and Investigators are responsible for the timely filing of all reports, documents, and other administrative and /or case work required by law, the Lake Superior Drug and Violent Crimes Commander, and/or set forth in the policy manual. All files are the property of the Duluth Police Department. The Lake Superior Drug and Violent Crimes COmmander or designee shall establish a record keeping system that tracks confidential informants, the cases on which they have worked, and other appropriate information.

604.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number and shall contain the following confidential information:

- (a) Informant's name, date of birth, address, telephone number(s), employer information, physical description, and description of vehicles owned/driven/used
- (b) Name of initiating investigator
- (c) Informant's photograph
- (d) Evidence that an informant's criminal history was reviewed
- (e) A written report outlining an initial debriefing for intelligence and corroborative information obtained from the informant and its subsequent reliability. Investigators wishing to use an informant shall conduct an extensive, detailed, initial interview. Documentation of the interview shall be placed in the informant file. The informant interview shall include a detailed account of the informant's knowledge regarding past involvement in any criminal activity, including dates, times, places, amounts, methods of operation, who was present, and any other pertinent information. An attempt should be made to verify, if possible, the information provided and identity of persons mentioned. Informant information regarding criminal activity unrelated to an investigation should be provided to the appropriate law enforcement agency at a time and in a manner so as not to compromise an investigation and/or reveal the identity of the informant.
- (f) Signed and initialed informant agreement and signature exemplar.

Informant files shall be maintained in a secured area. No informant files, or portions thereof, may leave the office without a court order or supervisory approval.

604.2.2 INFORMANT AGREEMENT

Each informant shall abide by the provisions set forth in the informant agreement. Failure of the informant to abide by the agreement may result in the immediate termination of using the informant. No payments shall be made to an informant failing to comply with the informant agreement, regardless of information received, without prior approval from the Commander or designee.

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The investigator shall discuss the provisions of the agreement with the informant, adding particular emphasis to the following:

- (a) The informant is not part of law enforcement. S/he may not carry any weapons, conduct searches or seizures, and has no arrest authority beyond that of a citizen
- (b) Informants will receive no special legal consideration and may be arrested if they are found engaging in any criminal activity
- (c) The informant shall not take any actions in furtherance of an investigation without receiving specific instruction(s) from the investigator
- (d) The informant agrees that he/she may be subject to a full body search before and after any operation.

604.2.3 INFORMANT FILES SUPERVISORY RESPONSIBILITIES

The Lake Superior Drug and Violent Crimes Commander or designee shall conduct an audit/review inspection of the Confidential Informant Files to ensure compliance to this SOP and other applicable policies on an annual basis or as directed by the Chief of Police. Upon completion, the report shall be provided to the Chief of Police for appropriate review, action, and distribution. The person designated to review the files will have the following responsibilities:

- Ensure that the informant is properly documented
- Prohibit the use of informants who are not properly controlled
- Compare informant signatures for payments received with the informant's known handwriting exemplar
- Restrict the use of informants involved in unlawful or undesirable activity
- Review and approve all payments to informants
- Ensure that payments to informants are not excessive
- Review the file for proper signatures of the informant and witnesses
- Ensure that the investigator takes the appropriate action if an informant is wanted or the subject of a pick-up order from another agency
- Make proper notification to the Deputy Chief of Police when irregularities or discrepancies are found in an informant file.

604.3 INFORMANT MEETING DOCUMENTATION

Each contact with a confidential informant, whether in person or by other means, shall be documented in the appropriate case file and on the Confidential Informant Contact Log which shall remain a component of the confidential informant documentation package. Two investigators will be present when meeting with an informant, at least one of the same sex, except when not practical.

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604.3.1 INFORMANT RELATIONSHIP

No member of the Duluth Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Duluth Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Duluth Police Department and that they shall not represent themselves as such.
- (e) The relationship between officers and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit supervisor.
- (g) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit supervisor. Officers may meet informants alone in an occupied public place such as a restaurant. When contacting informants for the purpose of making payments officers shall arrange for the presence of another officer whenever reasonably possible.
- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

The unit supervisor shall take corrective action, as appropriate, when violations to this policy occur.

604.3.2 JUVENILE INFORMANTS

Generally, juveniles shall not be used as informants. An investigator choosing to use a juvenile informant shall receive prior authorization from the Lake Superior Drug and Violent Crimes Commander or designee, the prosecutor, the juvenile's parents or guardian (written consent), and judicial or probation officials, if applicable. The use of juveniles under the age of 13 as informants is prohibited.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition or criminal charge against the juvenile.

604.4 USE OF CONFIDENTIAL FUNDS

Confidential funds are to be used in furtherance of investigative purposes. Investigators and Officers may use confidential funds for the following purposes:

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- Payments made directly to informants
- Purchases of illegal drugs, contraband, or other evidence of criminal activity
- Expenditures for authorized undercover operations
- Payments of investigative expenses (e.g., hotel rooms, rental equipment)
- Flash money
- Purchases of services, equipment or information.

The Lake Superior Drug and Violent Crimes Commander shall not make disbursement of confidential funds to him/herself. Such disbursement shall be handled in conjunction with the Deputy Chief of Police or his/her designee.

604.4.1 PAYMENTS TO INFORMANTS

Payments to informants shall be made in a manner and amount commensurate to the location, scope, and nature of the investigation; value of forfeited or recovered contraband or property; level of arrest; and past performance of the informant. The Lake Superior Drug and Violent Crimes Commander shall establish prior approval guidelines. The guidelines should include provisions for unusual or extraordinary circumstances. The Lake Superior Drug and Violent Crimes Commander or designee must authorize all informant payments. When practical, that authorization should be obtained prior to payment being made. Payments or expenditures shall be documented on a Confidential Funds Receipt signed by the informant, the primary officer and a witness. The Lieutenant of the Lake Superior Drug and Violent Crimes Commander or designee shall review all Confidential Funds Receipts for completeness, proportionate, and policy compliant spending. After review, all Confidential Funds Receipts shall be maintained within the applicable informant's file. Receipts, invoices, documents or other items associated with allowable purchases shall be attached to signed confidential funds receipts.

604.4.2 CONTROLLED BUY

Only documented and approved informants and undercover officers may be used to conduct controlled purchases of evidence. During controlled buys, the controlling agent must take reasonable steps to ensure the integrity of the investigation and prevent tampering with any evidence. A thorough pre-transaction search of the informant, his/her immediate area, and vehicle (if applicable) shall be performed before conducting a controlled buy. The controlling agent shall ensure that the informant does not possess any contraband or money that could get mixed with marked police department confidential funds.

The use of electronic monitoring devices during the controlled buy is required when equipment is available except in cases where the device would compromise the safety of any individual or other circumstances restrict use. Audio and video recording of the transaction by surveillance officers is required whenever the controlled purchase will be used as evidence in a prosecution of a sale or testimony of the informant may be required. Exceptions to this requirement exist if the act of audio and video recording would compromise the safety of any individual or other circumstances restrict use.

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The informant shall be surveilled closely from the time of that pre-transaction search until the informant meets with his/her controlling investigator after the undercover meeting. Afterward, the controlling investigator shall ensure that the informant, his/her immediate area, and vehicle (if applicable) are again thoroughly searched for contraband and police department confidential funds. The controlling investigator shall provide sufficient surveillance during a controlled buy to minimize potential risks to the informant. At a minimum, two investigators shall provide surveillance for each informant involved in the operation.

Confidential Informants who reveal knowledge of evidence or information pertaining to dangerous items outside their scope and range of ability, including but not limited to: firearms, dangerous chemicals, and bomb making materials, shall be instructed to avoid any personal contact with those items. The furtherance of the investigation pertaining to these items shall only be conducted by one or more of the following:

- (a) The use of the same CI while escorted by an undercover officer.
- (b) The use of undercover officer/s working alone.
- (c) Other law enforcement divisions or agencies that focus on the items in question.
- (d) The use of CI's who typically associate with the items in question.

The informant shall be debriefed to collect intelligence about occupants, firearms, dogs, children present, interior layout, evidence storage locations, and other pertinent information.

A written report will be authored describing the events of the controlled buy. The informant's involvement shall be documented in a recorded statement. Investigators must have prior approval of the Lake Superior Drug and Violent Crimes Commander or designee for evidence purchases or extraordinary informant expenditures that exceed normal purchases.

604.5 COOPERATING DEFENDANTS

A cooperating defendant should be thoroughly debriefed regarding past criminal activity. A cooperating defendant may be debriefed about current charges pending only if a waiver of rights has been documented. If the defendant is represented by counsel, any contact with the defendant must be approved by the defendant's lawyer. A cooperating defendant may work as an informant so long as any conditions of release or bail are not violated and, if required by the jurisdiction; pre-trial supervision personnel and the court are aware and approve of the cooperation. Federal rules require that any person under federal court supervision cannot work as an informant without prior written approval from the court. Any agreement between law enforcement, prosecutors, defendants, and defense attorneys regarding cooperation from a defendant shall be agreed upon before the defendant actively participates in any investigation beyond a thorough debriefing. The terms of that agreement must be documented in writing prior to any active participation by a cooperating defendant or, in extraordinary circumstances, as soon as practical after participation.

604.5.1 COOPERATING DEFENDANTS AS WITNESSES

When a defendant agrees to testify for the government either against a co-defendant or in another case, any agreement regarding the active participation in a case or testimony will be governed

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by the agreement reached by the defendant, the defendant's legal counsel and the government prosecutor.

604.5.2 PROMISES TO WITNESSES, INFORMANTS, AND DEFENDANTS

It is not proper or legal to promise confidentiality or any degree of immunity at any time to a witness, defendant or informant by an investigator. The only promise an investigator can make to any defendant or person under investigation is that the investigator will make known to the prosecutor and the court the full extent of any cooperation provided to law enforcement. At the same time, a defendant or person under investigation should be advised that any behavior that violates any agreements with investigators and the prosecution will be forwarded for consideration by the court and may render any agreements as non-binding by investigators and prosecutors.

604.5.3 DEACTIVATION OF CONFIDENTIAL INFORMANTS

The Special Investigations Supervisor shall review confidential informant files on a quarterly basis (by the last working day of March, June, September, and December) to ensure appropriate use/documentation and de-activation procedures are in compliance with this general order. The review shall be documented, and delivered to the Lieutenant of the Organized Crime Bureau for appropriate action.

Confidential informant files indicating that the informant is not being used in a timely manner shall be reviewed with the originating member to determine if the informant can be de-activated. If it is determined at any point that the continuing use of a confidential informant is no longer beneficial to the Department, the appropriate Supervisor shall complete the Deactivation Sheet in order to deactivate the confidential informant.

Factors to consider in determining whether a particular confidential informant is no longer beneficial to the Department include, but are not limited to:

- (a) The repeated failure of the CI to follow operational and/or safety instructions provided by members
- (b) Any violation of the CI agreement
- (c) Repeated failure of the CI to keep appointments, return telephone calls or follow through on legitimate requirements affecting the outcome of an investigation
- (d) Behavior of the CI that brings his/her credibility into doubt
- (e) Any actions by the CI that compromise the identity of any other CI, undercover investigator, or that reveals any confidential information
- (f) Failure to appear for court hearings and/or to cooperate with the State Attorney's Office or U.S. Attorney with matters directly relating to their role as a CI
- (g) Whether the person has shown any indication of emotional instability, unreliability, or of furnishing false information

All confidential informant files shall be purged in accordance with applicable policies and public records laws.

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A member may request that a confidential informant be re-activated upon demonstrating specific needs and benefits. The Special Investigations Section Commander shall review the request and if approved shall issue a confidential informant control number.

CALEA 42.2.6

Witness Identification of Suspects

605.1 PURPOSE AND SCOPE

Eyewitness evidence can be critical in identifying, charging, and ultimately convicting suspected criminals. The purpose of this policy is to ensure that eyewitness evidence be accurate and reliable.

605.2 DEFINITIONS

1. **Photo Lineup/ Photo Array:** The witness is presented with six photographs asking the witness to view each photo one at a time to decide whether that person is the perpetrator before moving to the next photo.
2. **Show-up(s):** The presentation of a single suspect to an eyewitness within a short timeframe following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous timeframe and proximity to the crime.
3. **Confidence Statement:** A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.
4. **Administrator:** The law enforcement official conducting the identification procedure.
5. **Blinded Presentation:** The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.
6. **Filler:** A photograph of a person, included in an identification procedure, who is not considered a suspect.
7. **Sequential:** Presentation of a series of photographs to a witness one at a time.

605.3 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS

1. The officer presenting the photographic lineup must take the utmost care not to communicate the identity of the suspect in any way.
2. The following precautions should be taken by any officer presenting a photographic lineup:
 - (a) The person of interest or suspect in the photo lineup should not stand out from the other people depicted in the photos and should be reasonably similar in age, height, weight, general appearance, and of the same sex and race, in accordance with the witness' description of the offender.
 - (b) Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
 - (c) Officers shall record the photo line-up, both audio and video, whenever possible. If the line-up is not recorded, the officer shall document the reason.
 - (d) Witnesses shall be shown a copy of the photo line-up form prior to viewing the photo line-up and the officer shall read the instructions aloud before proceeding.

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- (e) At no time prior to, during, or after the presentation of the photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense. The witness shall be instructed that the suspect may or may not be in the lineup prior to viewing any photographs.
 - (f) When possible, an officer who is unaware of who the suspect is should administer the photo lineup. If this is not possible, the officer presenting the photographs to a witness should use a **blinded presentation** in the following manner:
 - 1. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
 - 2. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
 - 3. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
 - 4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array, the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.
 - (g) The officer presenting the photographs to a witness should provide all photographs to the witness. The witness must view all photographs in the lineup. The position of the suspect's photo and filler photos should be placed in a random position.
 - (h) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or the photographic lineup with other witnesses.
 - (i) Each witness should be advised that the suspect's photograph may or may not be among those in the lineup and that the witness need not make identification.
 - (j) If an identification is made, have the witness/victim immediately initial the photograph selected and provide a confidence statement in the eyewitness' own words that articulates their level of confidence in the identification.
3. The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photographic lineup presented to the witness should be included in the case file.

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605.4 PHOTO IDENTIFICATION FORM

1. The Organized Crimes Lieutenant or the Major Crimes Lieutenant shall be responsible for the development and maintenance of a photographic lineup identification form consistent with this policy.
2. The form, at a minimum, shall contain the following:
 - (a) The date, time, and location of the lineup procedure
 - (b) The name and identifying information of the witness
 - (c) The name of the officer administering the lineup procedure
 - (d) An advisement that the suspect's photograph may or may not be among those in the lineup and that the witness need not make an identification
 - (e) A signature line where the witness acknowledges that he/she understands the lineup procedure and instruction.
3. The photo identification form should be reviewed periodically and modified when necessary.

605.5 SHOW-UP IDENTIFICATION OF SUSPECTS

1. The use of a show-up can provide investigative information at an early stage, but the inherent suggestiveness of a show-up requires careful use of procedural safeguards.
2. Show ups should be avoided whenever possible in preference to the use of a line up or photo array procedure.
3. Show ups should not be used when probable cause is already established.
4. The following procedures should be taken when conducting a show-up identification:
 - (a) When multiple witnesses are involved, separate the witnesses and have only one witness present at the location of the show-up whenever possible.
 - (b) Remind witnesses not to talk to other witnesses until police or prosecutors deem it permissible.
 - (c) Determine and document a detailed description of the suspect prior to show-up.
 - (d) Witnesses shall be shown a copy of the show-up advisory form prior to conducting the show-up and the officer shall read the instructions aloud before proceeding.
 - (e) Caution the witness that the person they are looking at may or may not be the suspect.
 - (f) Transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention and scene contamination.
 - (g) If possible and safe, have the witness view the suspect while the suspect is not restrained by handcuffs or in the back of a police car. If this is not possible, take any practical steps to minimize the suggestiveness of the procedure, for example concealing the handcuffs from view.

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- (h) Document the time, location, and length of time the suspect was viewed. Record both identification and non-identification results in writing, including the witness's own words and ask the witness to provide a confidence statement. Advise the witness that the investigation will continue regardless of the outcome of the show-up.
- (i) Officers shall not present the suspect to the same witness more than once.
- (j) Officers shall record the show-up, both audio and video, whenever possible. If the show-up is not recorded, the officer shall document the reason.
- (k) Show-ups ideally would be done within two hours of a crime. Factors to be considered would be how long the initial contact lasted, and/or if the witness had an exceptional view of the suspect during the crime.
- (l) Do not require show-suspects to put on clothing worn by, speak words uttered by, or perform other actions by the perpetrator.
- (m) Officers should avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

605.6 SHOW-UP IDENTIFICATION FORM

1. The Organized Crimes Lieutenant or the Major Crimes Lieutenant shall be responsible for the development and maintenance of a show-up identification form consistent with this policy.
2. The form, at a minimum, shall contain the following:
 - (a) The date, time, and location of the lineup procedure
 - (b) The name and identifying information of the witness
 - (c) The name of the officer administering the lineup procedure
 - (d) An advisement that the person may or may not be the suspect and that the witness need not make an identification.
 - (e) A signature line where the witness acknowledges that he/she understands the show-up procedure and instruction.
3. The show-up identification form should be reviewed periodically and modified when necessary.

CALEA 42.2.9, 42.2.10

Brady Material Disclosure

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Duluth Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

606.2 POLICY

The Duluth Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Duluth Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information as provided in this policy.

606.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

606.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the

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officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) If the data is classified as public data, a copy of it shall be provided to the prosecuting attorney. In the case of non-public data, the prosecuting attorney should then be requested to file a motion in order to initiate an in camera review by the court.
 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that data ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use and further dissemination of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

606.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

606.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Undercover Operations

607.1 PURPOSE AND SCOPE

Planning is important in undercover operations, not only to ensure success, but to ensure officers' safety. All undercover operations require a written operations plan along with RISS safe deconfliction check. The operation plan will be briefed to all participating team members prior to implementation. All operation plans and RISS Safe Checks will be kept on file for inspection in compliance with data retention rules.

The Department encourages proactive efforts by all officers, however due to the unusual nature of undercover operations and the inherent risks involved, officers not assigned to the Special Investigative Unit (SIU) must have approval of their unit leader prior to conducting an undercover operation. Unit leaders receiving a request that do not have experience in undercover operations are strongly encouraged to seek guidance from SIU officers and/or unit leaders.

607.2 DEFINITIONS

For purposes of this policy, "undercover" means a short duration of time wherein an investigator temporarily conceals his/her identity for purposes of conducting an investigation.

607.2.1 OPERATIONAL PLANS AND PRE-OPERATIONAL BRIEFINGS

The case investigator managing any significant investigative operation (e.g., search warrant, controlled buy, undercover operation) shall complete an Operational Plan and shall brief all personnel involved in the operation. The Operational Plan shall be in written form whenever practical. The Operational Plan should be reviewed and approved by the appropriate supervisor.

607.2.2 OPERATIONAL SAFETY PLAN

All anticipated enforcement activity requires an Operational Plan. The Operational Plan shall be in written form, whenever practical, and shall identify the overall Commander or supervisor for the planned activity and team leaders if applicable. The primary consideration when planning and executing any enforcement activity shall be officer safety. The plan may include but is not limited to:

- Primary and secondary addresses;
- Descriptions of vehicles;
- Photos of suspect(s);
- Closest hospital;
- Potential for counter-surveillance;
- Maps;
- Diagrams;
- Undercover scenario;
- Suspect's violent history;

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- Criminal history of suspect(s);
- Arrest and trouble signals (visual and audio) and UC rescue plan;
- Investigator assignments;
- Full description of undercover investigator and/or informant;
- Description of undercover vehicle;
- A list of all law enforcement participants, call signs, telephone numbers, etc;
- Arrest team assignments.

607.2.3 OPERATIONAL TECHNIQUES-SURVEILLANCE

Generally, moving surveillance requires significant coordination of multiple investigators to maintain sufficient visual observation of the suspect. Investigators participating in moving surveillance shall attempt to abide by all traffic laws while conducting the surveillance. Scheduled surveillance shall have an Operational Plan.

607.2.4 SURVEILLANCE CATEGORIES

Surveillance can be categorized according to function:

- Information-gathering surveillance;
- Pre-purchase surveillance;
- Cover Surveillance;
- Post-purchase surveillance.

607.2.5 SURVEILLANCE OBJECTIVES

The objective of the surveillance should be part of the Operational Plan. The following are some of the objectives of conducting surveillance:

- To protect undercover officers or informants;
- To corroborate information, activities and observations of undercover officers or informants;
- To obtain evidence of a crime;
- To establish patterns of activity;
- To locate hidden property or contraband;
- To obtain probable cause for search warrants;
- To prevent the commission of a crime;
- To obtain admissible evidence for court;
- To develop leads received from other sources;
- To apprehend a subject or a fugitive.

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607.2.6 PREE-PURCHASE SURVEILLANCE

This surveillance is utilized to gather tactical intelligence that will assist the undercover investigator and cover surveillance in assessing the potential officer safety issues. Pre-purchase surveillance may also identify additional suspects and vehicles, storage locations, sources of supply, counter-surveillance and develop probable cause for search warrants

607.2.7 COVER SURVEILLANCE

This surveillance is used primarily for the protection of the undercover officer. It may also be used to corroborate the undercover officer's testimony and identify additional suspects. Cover surveillance may also witness and record the transaction.

607.2.8 POST-BUY SURVEILLANCE

This surveillance can be used to establish probable cause for search warrants and allows for surveillance to follow the seller and buy money. This may be important for future purchases. Post-buy surveillance should also be used after a purchase until a determination can be made that the buy was successful and the purchase was a controlled substance.

607.2.9 GARBAGE SEARCHES

Investigators may collect a suspect's garbage to be searched for evidence. Investigators using this technique shall ensure that the suspect's expectation of privacy is not breached (i.e., the garbage must be abandoned). Investigators may pay contracted waste disposal personnel to collect and deliver a suspect's garbage to the case investigator. It is important for the waste hauler to collect the garbage from the 18 standard/usual collection site (i.e., if the hauler only picks up curbside garbage, then s/he may not collect the garbage from next to the residence). An investigator paying for this service shall abide by all policies and procedures relating to the use of confidential funds.

607.3 UNDERCOVER INVESTIGATIONS RESPONSIBILITIES

- The case investigator shall be responsible for operational planning, tactical aspects of the investigation, officer safety, and proper case management. Operational Plans must, whenever practical, be reviewed and approved by the investigator's supervisor before the operation begins.
- Generally, the case investigator shall not perform the undercover operation personally. Another investigator shall be selected for the undercover work or management of the case shall be relinquished to another investigator.

PLAN FORMULATION

- The case investigator should consult with officers involved in the operation to develop the Operational Plan.

LOGISTICS

- The case investigator shall determine whether any specialty officers (e.g., K-9 handlers, meth lab personnel, etc.) or tactical personnel will be needed. Jurisdictional issues shall be considered when calling for specialty officers or tactical

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teams. The case investigator shall ensure that all equipment needs are met and the equipment is functioning properly.

- The case investigator shall prepare a case history of the suspects involved. The case investigator shall make a determination as to the suspect's potential for violence, propensity for being armed, and the potential for counter-surveillance.

LOCATION

- The undercover investigator shall negotiate to meet with the suspect in a safe location. Generally, investigators shall not perform undercover operations inside an uncontrolled residence (e.g., the suspect's house).

BRIEFING

- The case investigator shall coordinate a pre-operational briefing to discuss the purpose and logistics of the operation with personnel involved in the operation. Arrest and trouble signals (visual and audio) shall be designated. Once the plan has been established and all parties have been briefed, law enforcement personnel shall not deviate from the plan without prior supervisor approval, except in emergencies.

NOTIFICATION

- The communications center having jurisdiction in the area of the undercover operation shall be notified of the operation when practical and prudent. The case investigator shall ensure that personnel involved are aware of a primary and alternate radio frequency. If an arrest is to occur, the case investigator shall coordinate use of radio frequencies with appropriate local law enforcement agencies.

ARRESTS

- The investigator shall arrange to have uniformed personnel, with jurisdictional authority, present during the arrest. If uniformed personnel are unavailable, the investigator's supervisor shall review the situation and shall make the decision of whether to proceed with the operation as planned. The arrest team shall have primary responsibility for arresting the suspect after the undercover investigator gives the arrest signal. The undercover investigator shall not be directly involved with the arrest of the suspect unless the situation absolutely dictates his/her involvement.

DEBRIEFING

- Generally, the case investigator shall host an operational debriefing with all participants to conduct a thorough, objective review of the operation. Suggestions for improvement are encouraged and should be shared with other Task Force personnel.

CONTROLLED SUBSTANCE CONSUMPTION PROHIBITED

- The operation shall be terminated if it is contingent upon the undercover investigator consuming controlled substances.

POTENTIAL DANGER SIGNS

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- Investigators shall be alert for potential danger signs indicating a robbery, assault, or theft. The following list outlines some of the potential danger signs, but is not to be considered all-inclusive.
 - Suspect's eagerness to complete the transaction;
 - Suspect's preoccupation with flash roll or weapons;
 - Last minute changes in the transaction by the suspect;
 - The suspect suddenly involves unknown or unseen parties into the transaction;
 - The suspect's obvious inability to complete the transaction;
 - The suspect refuses to supply a small sample of the contraband, provides a poor sample, or delivers a quantity less than had been agreed upon;
 - Eagerness to move the agreed upon transaction location or the location arranged by the target or informant is unacceptable;
 - The suspect or the informant possesses a weapon;
 - The suspect imposes excess conditions on the undercover officer;
 - The price negotiated for the controlled substance is suspiciously low.

TROUBLE SIGNS

- Any undercover investigator in immediate need of assistance shall give the designated trouble signal(s), or otherwise make it known to cover personnel that s/he needs immediate assistance, and shall allow cover personnel to take appropriate action(s).

INFORMANT INVOLVEMENT

- Generally, informants may be present during a transaction, but should not be active participants in the transaction. The preference should be to keep the informant removed from the operation. The informant shall not be allowed to control an operation. If the informant is a witness to, or participates in the transaction, that activity must be documented. This information will later be disclosed to defense counsel per Minn. R. Crim. P. 9.01.

607.4 LEGAL RAMIFICATIONS

Legal concerns are discussed with the appropriate prosecutor and involved officers are advised. Officers involved in undercover operations must be aware they must not become involved in any felonious conduct.

CALEA 43.1.5

Surveillance

608.1 PURPOSE AND SCOPE

Surveillance is an important investigative method and at times may be the only method of obtaining factual information in an investigation. All surveillance operations are conducted in a manner that will not infringe on the statutory or constitutional rights of any individual.

Surveillance will only be used to collect information for legitimate law enforcement purposes. A legitimate and reasonable belief must exist that an individual or organization is engaged in, or there is reason to believe they may engage in, criminal activity.

The Department is committed to assisting other agencies whenever possible in conducting surveillance. Officers in the Organized Crime Bureau (OCB) use their own judgment on notifying their unit leader prior to, or subsequent to a surveillance operation.

608.2 LEVELS OF SURVEILLANCE

The level of surveillance used is dependent upon the scope and type of information to be collected and/or type of criminal activity. These levels of surveillance are defined in the following subsections.

608.2.1 CASUAL

Casual surveillance which does not involve any particular planning, equipment or additional personnel. Casual surveillance is generally random and informal - such as a drive-by of a location of interest.

608.2.2 FORMAL

Formal surveillance which is conducted for an extended period of hours or days. Formal surveillance usually requires some planning, depending upon the equipment and personnel to be utilized.

608.2.3 LONG-TERM

Long-term surveillance which is conducted on an ongoing basis and may require extensive planning.

608.2.4 ELECTRONIC

Electronic surveillance conducted through mechanical monitoring equipment. Electronic surveillance may require the permission of the court before being utilized.

608.3 EQUIPMENT

The Department owns, or has access to different types of equipment which can be used for surveillance. Officers in OCB have access to all equipment. Other Department personnel, and other law enforcement agencies, may use the equipment with approval of the OCB unit leader, or his designee. OCB maintains an inventory of equipment and maintains a sign out sheet for all equipment. An entry must be made on the sign-out sheet whenever equipment is taken.

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608.4 PLANNING

Planning is an integral part of any long term surveillance activity. The individual designated as being responsible for the surveillance is responsible for each of the following areas.

608.4.1 CRIME AND VICTIM ANALYSIS

The type of criminal or crimes involved, elements necessary to prove that a crime has occurred, the persons victimized, and varying methods of investigation need to be examined.

608.4.2 ANALYSIS OF SUSPECTS

As much information as possible needs to be gathered concerning the suspects. This includes information on:

- identification of suspects, or ways to identify suspects if their identities are not known
- associates and their level of involvement
- co-conspirators
- residence and business addresses
- locations the suspect is known to frequent
- vehicles
- method of operation
- past criminal involvement
- suspected degree of involvement in crime currently being investigated.

608.4.3 DEMOGRAPHIC ANALYSIS

Aerial photographs, reconnaissance photographs, plat maps, and drive-bys are methods used to familiarize officers with the area in which the surveillance is to be conducted. Information may also be obtained from patrol officers by a computer check to determine what officers, if any, have responded to calls at a specific address.

608.4.4 PERSONNEL

The number of officers involved depends upon the circumstances and length of the surveillance. Officer safety is a primary concern as well as effectiveness of the operation. More officers are required when dealing with individuals suspected of being armed, with a history of violence, or committing crimes with a high potential for violence.

608.4.5 OPERATIONAL PROCEDURES

An operations plan is completed for search warrant executions, arrests of violent suspects, or buy/bust operations. The patrol unit leader of the target area is also notified.

The most secure method of communication should be utilized for surveillance.

Criteria for arrests can be partially pre-determined. If possible, the location of arrest and officers responsible for the arrest should be identified, whenever possible. The officer in charge may direct

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during the operation that an arrest will occur. If there is potential for an arrest, sufficient officers must be present to deal with the subjects in the safest possible manner. On-duty patrol sergeants and the watch commander should be advised of the operation. It may be advisable to notify the Communication Center as well if assistance from patrol squads is anticipated.

The Department realizes that surveillance involves certain risks and officers are expected to use good judgment and weigh the risks to themselves and the public against the possible benefit.

608.4.6 EXPENSES

Money is available in accordance with Policy 607 - Confidential Funds. The money may be used for vehicle rental if Department vehicles are not suitable, rental of electronic equipment, hotel expenses, apartment rental, and dialed number recorder hook-ups (requires an appropriate warrant).

608.4.7 BRIEFING

All major surveillances require a formal briefing. Legal ramifications are discussed with the appropriate prosecutor, if necessary, and reviewed at the briefing. All officers in OCB are trained in, and aware of, the legal requirements and restrictions on surveillance

Criminal Intelligence Data and Analysis

609.1 PURPOSE AND SCOPE

The purpose of this section is to establish a systematic method for collection and analysis of criminal intelligence data and its distribution to other department divisions, other law enforcement agencies, and the public with objectives. The collection, analysis, and dissemination of information is a fundamental and essential element in the all-encompassing duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders, obtain evidence necessary for conviction, and maintain homeland security. It is the goal of the Department to carry out the intelligence function in order to advance the principles of intelligence-led policing, and contribute toward the crime prevention, security, investigative, enforcement, and other public safety priorities identified by the Department, provide tactical, operational, and strategic intelligence information and services to the department and its partners, and ensure the intelligence function is carried out in a manner consistent with applicable local, state, and federal laws, regulations, and administrative rules, and professional and ethical criminal intelligence practices.

Information generated through crime and intelligence analysis is integral to the successful prevention and/or suppression of criminal activity by law enforcement. It is the policy of the Duluth Police Department (DPD) to employ a Crime and Intelligence Analysis Unit (CIAU) charged with the responsibility of systematically providing concise and timely actionable intelligence information to the Chief of Police, line staff and command staff. The (CIAU) shall be directed by the Deputy Chief of Investigations, Deputy Chief of Patrol and the Commander of the Lake Superior Drug and Violent Crime Task Force or their designee(s).

609.2 POLICY

This policy provides guidelines of the Duluth Police Department analysts, whose purpose is to provide actionable solutions for crime and social harm reduction, prevention, apprehension, and prosecution using systemic analytical processes that identify patterns and trends, provide actionable intelligence and analytics, develop patrol deployment and investigative strategies, assess strategic operations, disseminate information and intelligence, and provide recommendations to the Chief of Police as part of its role in the Department's mission of providing a safe Duluth for all.

It is the policy of the Duluth Police Department to gather information directed toward specific individuals or organizations reasonably suspected of criminal activity, to gather it with due respect for the rights of those involved, and to disseminate it only to authorized individuals as defined. While criminal intelligence may be assigned to specific personnel within the agency, all members of this agency are responsible for reporting information that may help identify criminal conspirators and perpetrators.

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Criminal Intelligence Data and Analysis

609.3 DEFINITIONS

- (a) **Crime & Intelligence Analyst** -- An employee conducting intelligence, tactical/operational, strategic, or administrative analysis of data related to law enforcement patrol and investigations.
- (b) **Intelligence Analysis** - the systematic collection, evaluation, analysis, and dissemination of information on criminals, especially related to their association and their identification with criminal activity. Information should be gathered, with due respect for the rights of those involved, only when directed toward specific individuals or organizations where there is reasonable suspicion that those individuals or organizations may be planning or engaging in criminal activity. Once that information is gathered, it should be disseminated only to authorized individuals. Reasonable suspicion is established when information exists that establishes sufficient facts to give a trained officer a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity. Agencies should ensure that sworn or civilian personnel engaged in the intelligence procedures are trained in all federal and state legal requirements associated with criminal intelligence operating systems. For agencies operating within the United States, this specially includes 28 CFR Part 23.
- (c) **Information/Intelligence Data** - Information on identifiable individuals or groups compiled in an effort to anticipate, prevent, or monitor possible criminal activity that has not yet been corroborated or analyzed; essentially raw data lacking context or analysis.
- (d) **Criminal Investigative Data** - Information collected in the course of an investigation where there are reasonable grounds to suspect that specific criminal acts have been committed by a person.
- (e) **Criminal Intelligence Information** - Information which has been evaluated to determine if it is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity and meets submission criteria for a criminal intelligence system.
- (f) **Intelligence Assessment** - An analysis of information based in whole or in part upon intelligence data.
- (g) **Intelligence Products** – Compilations of information turned to intelligence, collated, evaluated, and placed into a summary for dissemination; such as bulletins, subject workups, threat assessments, graphic/charts, etc.
- (h) **Intelligence-led Policing** - The dynamic use of intelligence to guide operational law enforcement activities to targets, commodities, or threats for both tactical responses and strategic decision making for resource allocation and/or strategic responses. A model in which intelligence serves as a guide to operations, with the intelligence function at the heart of the decision making process.
- (i) **Suspicious Activity** - A reported or observed incident, activity, or behavior that may be indicative of intelligence gathering or pre-operational planning related to criminal activity (including terrorism) or other illicit intention.

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Criminal Intelligence Data and Analysis

609.4 PROCEDURE

(a) Responsibility

1. Analysts will disseminate actionable intelligence to patrol, investigations, and administration for further coordination of activities that include planning and managing intelligence priorities/information actions. 40.2.2 b
2. Information and intelligence will be forwarded to the crime and intelligence analysts for further collection, evaluation, collation, corroboration, analyzation, and dissemination in support of the intelligence function, under the supervision of the Deputy Chiefs and Task Force Commander.
3. Each member of the Department is responsible for gathering and reporting information in support of and acting on information produced by the intelligence functions within the Department.

(b) Training

1. All employees with access to intelligence information shall be trained on the proper use and control of intelligence information.
2. Law enforcement personnel should be trained and encouraged to document information gleaned from a variety of sources. Training should emphasize that all personnel, regardless of their jobs, have a role in criminal intelligence and the sharing of information. Training can range from roll-call to more advanced training.
3. All Analysts will receive or already possess specialized training that will include, but is not limited to, all the training specified in 40.1 Crime Analysis Training as well as, but not limited to, training specific to intelligence analysis gathering, analysis, and storage requirements.

(c) Data Sources

1. Crime and intelligence data is extracted from a variety of sources, including, but not limited to all the sources detailed in 40.1 Crime Analysis Data Sources, as well as,
2. Other intelligence databases and law enforcement sources;
3. Previous investigations;
4. Physical, technical, and electronic surveillance information;
5. Confidential informants, tips, and reports;
6. Covert operations.

(d) Collation, Analysis, & Evaluation

1. Analysts will collate data and analytical products into a logical system of information, including specialized products, spreadsheets, maps, files, databases, reports, and repositories, as needed, to store, organize, and disseminate data and products.

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2. Collation centers will be maintained in such a way as to be accessible to all personnel who need access. The integrity and security of these intelligence databases is the responsibility of analysts and supervisors.
 3. Analysts will utilize best practices techniques of analysis. Analysts will have an appropriate method to evaluate the reliability and validity of the information submitted and/or incorporated into the analysis process.
 4. Analysts and supervisors will seek and obtain feedback from users of analytical support and products. Information will be reviewed and may be incorporated depending on necessity and usefulness. Data and products will continue to evolve to best fit the needs of the customers, communicating changes and requesting additional feedback to changes.
- (e) Gathering and Submitting Intelligence
1. Information submitted shall be evaluated by the contributor with respect to source reliability and information validity. Evaluating the information's source and content indicates to future users the information's worth and usefulness. Information received shall be corroborated whenever possible; information submitted should be the product of dependable and trustworthy sources of information. Some of the information contained in intelligence files, however, may consist of unverified allegations or information, including reports of suspicious activity
 2. The collection, storage, and dissemination of intelligence data by Department personnel shall be predicated on suspicion that a crime has been committed or is being planned. Members of the Department shall ensure information submitted is relevant to criminal activity.
 3. Information gathering and investigative techniques shall be carried out in a lawful manner. Members of the Department shall not knowingly use unlawful means to acquire information from sources (including confidential informants, physical, electronic, photographic, and other technical surveillance devices).
- (f) Criminal Intelligence File: All information in the Department's intelligence files shall be consistent with criminal intelligence file criteria as described below.
1. Information that may be collected and stored includes:
 - i. Information about individuals who:
 - Are suspected of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts;
 - Are suspected of being involved in criminal activities with known or suspected crime figures.
 - ii. Information about organizations, businesses, and groups that:
 - Are suspected of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts.

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- Are suspected of being operated, controlled, financed, or infiltrated by known or suspected crime figures for use in an illegal manner.
2. Only information with a criminal predicate and which meets the Department's file criteria will be collected and stored in the intelligence files. Intelligence data on individuals and organizations shall refer to possible criminal activities that may have an impact on or pose a threat.
 3. Gathering, storing, analyzing, and sharing of intelligence information shall be based on intelligence priorities and information requirements of the Department that are communicated to all personnel.
 4. Non-criminal predicate surveillance data shall not be placed in files, manuals, or automated data storage systems by any member of the Department. Intelligence files shall not contain information about the political, religious, or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity, or to the investigation of criminal conduct or activity, and the subject of the information is, or may be involved in criminal conduct or activity. Specifically, intelligence files shall not include information on an individual or group merely on the basis of:
 - i. Support for causes some may consider to be unpopular;
 - ii. Race, ethnicity, religion, or political affiliation;
 - iii. Non-criminal personal habits;
 - iv. Associations with individuals that are clearly not of a criminal nature.
 5. Employees shall comply with all legal and privacy requirements in the handling of intelligence information.

609.5 ADMINISTRATION AND RECORDS

(a) Information Security and Release Authority

1. All intelligence files shall be physically and electronically secured, as applicable. Access to all intelligence information shall be controlled and recorded. Computer systems that store intelligence data shall be secure and protected against unauthorized attempts to access modify, remove, or destroy stored information.
2. Intelligence analysis and products that need to be disseminated will follow the internal, external, and public distribution parameters outlined in the Crime Analysis 40.1 section. Release of intelligence and analyses data and products will be made in accordance with applicable federal, state, and local and DPD policies.
3. Intelligence assessments may be disseminated to any agency or organization if necessary or carrying out the official duties of the agency or organization, or to a person if disseminated for an official purpose, and to a person if necessary to protect a person or property from a threat of imminent serious harm.

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(b) Receipt, Evaluation, and Storage of Information

1. The Department's intelligence files shall be maintained and shall be filed separately from all other records. The Department's intelligence files may contain intelligence data, intelligence assessments, and criminal intelligence information. Intelligence information in the Department's intelligence system may contain information from the news media, public records, criminal investigative data, and other sources.
2. Upon receipt of information that is to be processed and stored as intelligence information, personnel shall review the information for accuracy and quality control, giving particular attention to the following criteria:
 - i. Determination of a criminal nexus. Intelligence information that is retained for processing and storage must have a nexus to a criminal activity or threat.
 - ii. Lawfully-acquired data. Any information known to have been obtained by a member of the Department in violation of any applicable federal, state, or local law or ordinance shall not be included in the intelligence files. Analysts shall reject any information that has not been lawfully acquired by a member of the Department and shall immediately forward such information to the supervisor.
 - iii. Source reliability, information validity, and information security level as articulated in this policy.

(c) Auditing and Purging Files

1. Intelligence information shall be maintained in accordance with the goals and objectives of the Department, and should only include information that is both accurate, timely, relevant, and actionable.
2. Intelligence information in the Department's intelligence system must be periodically reviewed, audited, and purged to ensure that the information is accurate, relevant, and current to the needs and objectives of law enforcement.
3. Criminal intelligence information shall be reviewed, audited, and when appropriate, purged at least every five (5) years. Criminal intelligence information shall also be reviewed, audited, and when appropriate, purged whenever an employee reviews the information for dissemination or other purposes.
4. The decision to purge or to retain criminal intelligence information shall be based upon the following criteria:
 - i. Age of the intelligence data;
 - ii. Frequency of use;
 - iii. Quality and reliability;
 - iv. Completeness and accuracy;
 - v. Usefulness;

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- vi. Connection to call for service or crime type (there will be corresponding incident case number to track the nexus);
 - vii. Availability of the information from other sources;
 - viii. Other relevant criteria;
 - ix. Misleading or inaccurate information.
5. If any information in the Department's intelligence system is found at any time to be misleading, untrue, or otherwise inaccurate or unreliable, it will be purged from retention databases.
- (a) When information is ordered expunged by competent judicial authority, the information shall be immediately purged from the system.
 - (b) Policies and procedures relating to the intelligence function will be reviewed at least annually to ensure they are current and sufficient.

CALEA 40.2.1, 40.2.2, 40.2.3

Investigative Task Forces

612.1 PURPOSE AND SCOPE

It is the policy of the Duluth Police Department (DPD) to participate in various investigative task forces to address specific crime problems. The DPD recognizes that through joint cooperative efforts, multiple agencies can often accomplish what would not be possible through a singular effort by a single agency.

612.2 PROCEDURE

GENERAL

- A. The purpose of long term multi-jurisdictional task force participation by DPD is to address specific crime problems/offenses in the community.
- B. The Chief of Police or their designee will determine the level of commitment to any long-term multi-jurisdictional investigative task force.
- C. Each task force will have a designated DPD commander and/or liaison who will be responsible for coordinating and planning investigative task force activities or assigning a designee to do so. This often involves working with other task-force agencies, etc.
- D. To ensure officer safety, personnel assigned to a task force shall have access to intelligence and officer safety information. If the task force is unable to provide this information internally, assigned personnel from the Department shall have access to departmental officer safety information and intelligence systems and personnel.

WRITTEN AGREEMENTS

- A. Participation is generally established in a written agreement (typically a Memorandum of Understanding) between the parties involved.
 - 1. The written agreements will state the purpose of the task force and the authorities and/or responsibilities of the task force parties.
 - 2. The agreements may also state the resources available for use in the task force operations to include staffing, equipment, facilities, and funding.

EVALUATION

- A. At least quarterly the Chief of Police or their designee will evaluate the results of each long term multi-jurisdictional task force and the need for continued operation

CALEA 42.2.4

Cold Case Investigations

613.1 PURPOSE AND SCOPE

Cold cases are identified by the Duluth Police Major Crimes Investigation Unit as unsolved homicide investigations that have been placed into an inactive status. Although further evaluation or investigative work may take place, the case file is no longer being actively investigated by a detective on a daily basis. Generally, cold case reviews are limited to homicides, missing persons, sexual assaults, and other violent assaults resulting in serious injury. However, any felony case may be reviewed if circumstances support consideration for review.

613.2 COLD CASE INVESTIGATIONS

The Major Crimes Lieutenant is responsible for evaluating cold case homicide and other files to determine if a case will be brought forward for review and/or reassignment. In determining which cases may be appropriate for review or require additional investigative measures, the supervisor will consider the following factors.

- The development or revealing of new information
- Time elapsed/age of the case
- Documentation/information in the case file
- Existence of physical evidence
- Suspect information
- Renewed interest by victims or families
- Other pertinent factors suggesting a review may be beneficial

DOCUMENTING INVESTIGATIVE ACTIONS

When a cold case is opened for further investigation, all original documents are to be maintained in the original case file. The cold case investigator will complete supplemental reports relating to any work that it accomplished on the case. When an investigator closes a cold case, a final supplemental report is required documenting that the case is closed and the reason for closing the case.

CALEA 42.2.7

Chapter 7 - Equipment

Department-Owned Property and Equipment

700.1 PURPOSE AND SCOPE

Department department

It is the policy of the Duluth Police Department (DPD) to maintain a system of accountability for all real property, equipment, vehicles, ammunition, and expendable property. The DPD will employ appropriate measures in order to ensure that property and equipment is maintained at an appropriate level in a state of operational readiness.

700.2 DEFINITIONS

Department

Department Property - As used in this directive shall include real property, installed property, general equipment, vehicles, ammunition, and expendable property.

Operational Readiness— Refers to department property being maintained in a state of proper operational condition and includes care and cleaning, preventative maintenance, repair, workability, and responsiveness.

700.3 PROCEDURE

Property Management Responsibilities

The Administrative Lieutenant has general responsibility for the management of department property, to include the care and control of department property. The Administrative Lieutenant, or designee, is responsible for:

- Procurement and/or requisitioning of department property, with the exception of property that is of such a nature that it is specialized and maintained by a specific section/unit (i.e. K-9, TRT equipment, etc.). For this specialized equipment, the specific section/unit and the Lieutenant of that crew/unit is responsible for the procurement and requisitioning.
- Coordination with City Finance Department concerning the maintenance of the inventory of the capital assets maintained by the department.
- Maintenance of the written inventory records of department property that is not a capital asset.
- Distribution and issuance/reissuance of general department property to authorized users (sworn and non-sworn). Department property that is of such a nature that it is specific to a specific crew/unit (i.e. K-9, TRT equipment, etc.) is issued to the specific crew/unit and the Lieutenant of that crew/unit is responsible for the distribution and issuance. [17.5.1b]
- Ensuring that unissued department property is kept properly secured and appropriately maintained.

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- Coordination of the disposal of any property that has been determined to be obsolete, unserviceable, or otherwise unneeded for department operations.

Issuance and Distribution of Department Property

Employees will not be issued equipment unnecessary to their job function.

Firearms and weapons will not be carried by employees except for department authorized training purposes until they have been properly trained and authorized to carry the firearms or weapons.

The Administrative Lieutenant, or designee, is responsible for the issuance/reissuance of all general equipment to employees and for maintaining records of property issuance. This includes uniforms, weapons, firearms, and other items of small equipment. Those items with individual serial numbers shall be tracked in the issuance/inventory records to include the serial number.

The Administrative Lieutenant, or designee, shall carefully examine all returned equipment to determine its suitability for reissue.

- Property which is presentable and in good working order may be reissued; and
- Property which cannot be reissued shall be disposed of following current procedures.

Accountability for Agency-Owned Property

All department personnel are responsible to properly maintain property issued to them or that is available for their use to ensure that it is in a state of operational readiness. This responsibility includes the proper use of the equipment as well as maintaining appropriate security for the items. If the property becomes unserviceable or inoperable, personnel shall notify their supervisor or other designated personnel for repair or replacement of the item. If an item of issued property is lost or damaged by an employee, the employee will notify their Lieutenant and complete an incident report detailing the loss or damage. The employees Lieutenant is responsible for notifying the Administrative Lieutenant when property or equipment is lost or damaged. Equipment that is damaged or unserviceable must be returned prior to issuance of replacement equipment.

Supervisors are responsible to perform regular and routine inspections of property issued to or available for use by personnel under their command or within their section to ensure the property is in good, serviceable condition and is maintained in a state of operational readiness. Supervisors shall take appropriate actions to correct any deficiencies that are noted.

The Administrative Lieutenant, or designee, is responsible to maintain the overall inventory records of department equipment. This position is also responsible for ensuring an adequate inventory of expendable equipment and supplies and for maintaining all general department equipment in a state of operational readiness.

The fleet coordinator responsible for managing the fleet and coordinates vehicle maintenance and repair along with overall fleet readiness between the City of Duluth Fleet Department/Radio Shop and the DPD.

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700.3.1 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A City Incident Report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Deputy Chief

700.5 PRIVATE USE OF DEPARTMENT PROPERTY

Employees shall not use department property for personal purposes or for other unauthorized activities.

700.6 USE OF PERSONAL EQUIPMENT FOR OFFICIAL LAW ENFORCEMENT PURPOSES

Use of personal recording equipment such as recorders, phones or other types of personal recording items should be avoided unless there is an unusual emergency circumstance that prevents the usage of department issued recording equipment. If this occurs officers will:

- Document in a report the circumstances that lead to the use of personal recording devices as well as what personal recording device was used.
- Notify their supervisor

CALEA 17.5.1, 17.5.2., 83.2.2

Take-Home Use Of City Vehicles

701.1 PURPOSE AND SCOPE

This policy establishes guidelines to ensure the proper use of take-home vehicles. It is the policy of the City of Duluth to assign police vehicles to officers assigned to certain positions within the Police Department as identified by the Chief of Police for use pursuant to the following guidelines and procedure.

701.2 POLICY STATEMENT

Take-home vehicles shall be authorized on a case-by-case basis to employees who have specific law enforcement duties by the Chief of Police, and if abused, this privilege may be immediately revoked. Employees who are allowed this privilege are required to strictly abide by all guidelines listed in this policy and those set forth by the Chief of Police. Take-home vehicle use authorization is at the discretion of the Chief of Police and is subject to change at any time for any reason.

701.3 DEFINITIONS

Take-Home Vehicle: A take-home vehicle is a City of Duluth Police Department-owned automobile that is authorized by the Chief of Police to be taken home and operated by officers under the conditions allowed in this policy. A take-home vehicle may also be an automobile owned by another governmental agency that has been provided to the Department.

Employee: Sworn Minnesota law enforcement officer employed full-time by the City of Duluth Police Department.

Home: Residence within the corporate limits of the City of Duluth, Minnesota.

701.4 GENERAL CRITERIA

Employees may be assigned take-home vehicles for commuting purposes if one or more of the following criteria are met, as determined by the Chief of Police:

- (a) Employee's position includes a primary emergency response function
- (b) Employee works in an operational division, section or unit which requires the use of a vehicle for the employee to perform the required duties of his or her position and the required vehicle is specifically the vehicle assigned by the Chief of Police (i.e. K-9)
- (c) Employee is directly assigned to take-home vehicle use by the Chief of Police
- (d) Employee's position requires immediate emergency response to a crime scene or incident creating immediate and substantial threat to human life during non-scheduled work hours.

701.5 PROCEDURES

- (a) Take-home vehicles may only be used to conduct official City business and to commute directly from work to home and home to work.

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- (b) Employees are prohibited from using take-home vehicles for personal errands or travel not directly related to the employee's duties, except in an emergency. Emergencies shall be reported within twenty-four (24) hours to the Chief of Police.
- (c) Officers shall not transport non-departmental personnel in the vehicles unless it's in an official capacity.
- (d) Only the employee shall operate the take-home-vehicle.
- (e) Any officer on light-duty or suspension is not authorized a take-home vehicle.
- (f) Take-home vehicles shall be properly maintained and kept clean at all times.
- (g) The Police Department's fleet manager shall update and maintain with Fleet Services a current list of take-home vehicle assignments.
- (h) The fact that an employee is driving a take home vehicle in commuting to and from work is not a basis for determining that commuting time is hours of work.

Automatic Vehicle Locator (AVL) System

702.1 PURPOSE AND SCOPE

This policy is to establish guidelines regarding the use of the Automatic Vehicle Locator (AVL) System.

702.2 POLICY

The use of the AVL System is to provide better emergency services for the citizens of Duluth, improve police response to calls for service, and enhance officer safety. It is to be used for official business for the management of resources.

The AVL System may be utilized to recommend the closest available unit(s) to an incident, or to identify the location of units involved in an incident at the request of supervisory personnel. The AVL system may be used to identify unit locations if radio transmissions fail advise incoming units of the location of the primary unit or instances where radio transmissions are unintelligible. AVL may also be used to follow vehicle pursuits, provide the involved units with location and direction of the pursuit vehicle and provide information to responding units and/or crew supervisors.

702.3 PROCEDURES

702.3.1 SUPERVISORS RESPONSIBILITY

Supervisors shall ensure that AVL equipped vehicles are assigned to patrol officers until the inventory of such equipped vehicles is exhausted.

Supervisors shall use the AVL system to help them monitor vehicles under their command during their shift.

Should an AVL equipped vehicle not appear on the map the supervisor shall inspect the antenna, receiver, and all connections to include the MDC for the malfunctioning vehicle and check for any obvious reasons for the malfunction, keeping in mind the vehicle may be parked at such a location the receiver may not be able to transmit.

If there are signs of damage or tampering the supervisor shall fill out an incident report form and begin an investigation. The supervisor shall notify the lieutenant and deputy chief of the investigation and the results of the investigation.

If no signs of damage or tampering are evident the supervisor shall notify communications the vehicle's AVL system is not working.

The supervisor will complete a work order and ensure the damage is repaired.

Willful tampering or damaging of AVL and/or AVL equipment is a violation of the law and Department policy. Employees found to have tampered with AVL and/or MDC equipment will be investigated criminally and subject to Departmental disciplinary action up to and including suspension or termination.

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Automatic Vehicle Locator (AVL) System

702.3.2 PATROL RESPONSIBILITIES

Patrol Officers can view the AVL map by clicking on the AVL link on the MobileCOM interface on the squads MDC.

- (a) Patrol Officers can use the AVL map to assist them with verifying the location of their vehicle and other responding vehicles during any incident.
- (b) Patrol Officers that discover damage to the MDC or AVL equipment in their assigned vehicles shall immediately contact their Supervisor.

702.3.3 CITY OF DULUTH I.T.- RADIO SHOP RESPONSIBILITIES

The Radio Shop shall be responsible for inventorying, installing, and repairing all AVL related systems and hardware, as well as maintaining all related maintenance records.

Vehicle Maintenance

703.1 PURPOSE AND SCOPE

Vehicle inspections are to ensure that vehicles are safe and adequate for use on patrol and to determine that no contraband is in the vehicle prior to an officer's shift.

Officers are required to inspect their assigned squad prior to use. The inspection must include vehicle condition, ensuring that it is properly equipped, emergency signal devices are functional, and that no contraband or weapons are contained in the vehicle.

703.2 MAINTENANCE/REPAIRS

Needed repairs are reported to the officer's unit leader. The unit leader E-Mails the request to "Fleet Work Order". Fleet Maintenance will need the squad number, the four digit vehicle number, and the required maintenance or repair. Unit leaders will be notified by e-mail that the repairs have been made.

Officers are responsible for checking the sticker in the vehicle which indicates when the next routine servicing is scheduled. (Computerized tracking of squad maintenance requires officers to enter accurate mileage figures when refueling). Squads requiring services are taken to the Fleet Maintenance Shop during normal work hours (0700 to 1530, Monday through Friday, holidays excluded). Fleet Maintenance will provide a spare squad for the officer to use. They will also provide computer access so officers may check reports, e-mail, etc.

Officers experiencing minor defects with their squads may stop at fleet maintenance during normal work hours.

Flat tires may be repaired by contacting Fleet Maintenance if they are open. If they are not open officers may change the tire if they choose, or contact Dukes Towing. Team Tire at 308 East Central Entrance will repair squad tires on Fridays until 1900 hours, and on Saturdays from 0800 to 1700.

Officers experiencing a breakdown after Fleet Maintenance hours contact their unit leader. The unit leader contacts the approved tow company and determines whether to have the squad towed to Fleet Maintenance or Headquarters.

Radio and overhead light maintenance are performed during normal work hours at the Police Radio Shop located at Facilities Management, 1532 W. Michigan Street.

Damage to squads must be documented and reported to the officer's unit leader. The unit leader is responsible for notifying the fleet sergeant.

Problems with squad shotguns are brought to the attention of the Use of Force coordinator or the officer's unit leader.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and ensure the public trust.

The Duluth Police Department (DPD) manages cash monies in several capacities and from several sources, including:

- Fees for copies made of public records
- Fingerprint cards
- Property and Evidence funds
- Narcotics and Vice cash funds
- Animal Control
- Forfeitures
- Donations

704.2 PROCEDURE

The following procedures apply:

- Staff assigned to the duties that involve collection of cash are authorized to accept fee monies for those purposes. No one else will be authorized to handle these funds.
- The assigned staff accepting payment will provide the payer with a numbered receipt. (Duplicate copy receipts will be used for this purpose).
 - Original top copy will be given to the payer.
 - Second copy will be left in the receipt book. The cash money or check will be placed in the cash box.
- The receipt book and the cash box will be securely maintained in a locked safe or locked filing cabinet with limited access to the area; and only accessible to personnel assigned to fulfill these tasks.
- The designated Lead, Supervisor or assigned personnel has the primary responsibility of delivering the cash money and checks for deposit on a weekly basis to DPD's Budget and Grant Supervisor or the City's Finance Department. All cash and checks shall be deposited weekly. Authorized personnel will make out the deposit slip. The DPD Budget and Grant Supervisor or appropriate Duluth City Finance employee will verify the amount deposited on the deposit slip, verify the receipts as written, and the reconciliation of the general ledger.
- A balance sheet, ledger, and/or computerized system will be maintained by City Finance Department and identify initial balance, credits (cash income received), debits (cash disbursed), and the balance on hand.

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Cash Handling, Security and Management

- The DPD Budget and Grant Supervisor shall make a report of all monies handled to the Duluth City Finance Department.

Assigned personnel designated to work the Customer Service Desk are authorized to accept fee monies for copies of investigative photographs and video.

Narcotics and Vice Funds

See Confidential Fund section of Confidential Informant (CI) Directive.

Property and Evidence Fun

- Money taken into Property and Evidence shall be entered into Tyler evidence module and placed in the evidence safe as soon as practical after entering. The entry and tracking shall be done by evidence personnel as designated by their supervisor, (see Evidence Manual).
- Money shall be deposited in a timely manner. Deposit shall be made when a balance of \$10,000.00 is exceeded beyond two business days. When the money is deposited, the assigned employee shall write a deposit and keep the signed copy of confirmation of deposit on file.
- Quarterly, the Evidence and Property Sgt shall compare the tracking sheet to the cash on hand in the safe. The Evidence and Property Sgt shall reconcile all cash funds under their care and control quarterly and report their findings, in writing, to their Lieutenant.
- Money that has an evidentiary purpose can be physically kept in evidence and will be documented as such by the case agent.

704.3 ROUTINE CASH HANDLING

Officers are authorized to handle cash as part of their duties to collect property and evidence and must follow DPD policies and protocols for management of property and evidence.

704.4 OTHER CASH HANDLING

Members of the Department who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon as reasonably practical, verify the amount of cash, summon another employee to verify their accounting, and process the cash as safekeeping, evidence or found property. Cash in excess of \$1,000 requires immediate notification of a supervisor as well as special handling, verification and accounting by a supervisor. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry as may be appropriate.

Intranasal Naloxone (Narcan) Administration

705.1 POLICY STATEMENT

This policy provides guidelines for the administration of intranasal Naloxone (Narcan) in emergency situations where opioid overdose is suspected.

705.2 SCOPE

This policy covers all law enforcement officers working for the Duluth Police Department that have received Naloxone (Narcan) training.

705.3 DEFINITIONS

- A. Opioid: Substances occurring naturally in the body, derived from the poppy plant (opium), or synthesized to have similar effects, that work on the nervous system and are used to treat pain. These include but are not limited to the following: Morphine, heroin, hydromorphone (e.g. Dilaudid®), hydrocodone, oxycodone, and oxymorphone.
- B. Naloxone (Narcan®): Drug synthesized to be an opioid antagonist

705.4 SIGNS OF OPIOID TOXICITY

- A. Slow (less than 12 breaths per minute in an adult or adolescent) or shallow breathing
- B. Respiratory arrest
- C. Slow heart rate or weak pulse
- D. Cardiac arrest
- E. Somnolence, decreased level of consciousness, or unresponsive
- F. Slurred speech
- G. Pinpoint pupils (some cases)
- H. Cyanotic, pale, or clammy skin

705.5 INDICATIONS FOR OUT OF HOSPITAL NALOXONE ADMINISTRATION

Suspected or known opioid use with evidence of respiratory compromise; this includes a respiratory rate of less than 10 breaths per minute, respiratory arrest, and/or cardiac arrest.

705.6 CONTRAINDICATIONS

None in this age group covered by this policy and procedure

705.7 DOSE

- A. Supplied as 2mg/mL prefilled syringe containing 2 mg of naloxone requiring attachment of rubber atomizer tip
 - (a) Adult and adolescent dose: 2mg or one syringe

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- (b) Pediatric dose (greater than 12 weeks to 8 years old): 1 mg or ½ syringe

705.8 NALOXONE PHARMACOLOGY

- A. Naloxone is an opioid antagonist.
- B. Naloxone is absorbed through nasal mucosa
- C. Onset of action following intranasal administration is approximately 2-13 minutes
- D. Duration of action 15-60 minutes
- E. May require repeat dosing since all opioid agonists have a longer duration of action than naloxone.

705.9 PROCEDURE

- A. Attempt to awaken the unresponsive individual.
- B. Check airway and breathing
- C. Ensure ambulance dispatched to scene
- D. Perform rescue breathing using barrier mask
- E. Confirm indications for naloxone which include known or suspicion of opioid use or exposure AND any of the following
 1. Respiratory rate less than 10 breaths per minute
 2. Inadequate, shallow breaths
 3. Cardiac arrest
- F. Determine correct dose
 1. Adult/adolescent: 2 mg total dose
 2. Pediatric (greater than 12 weeks to 8 years old): 1 mg total dose
- G. Connect atomizer tip to syringe and connect plunger to syringe
- H. Administer ½ of the total dose in each nostril with a quick push of the syringe plunger
- I. Administer second dose if no improvement in respiratory status
- J. Patient must be transported to emergency department for further evaluation

705.10 PRECAUTIONS

- A. Advanced Life Support providers must be dispatched/en route to scene
- B. Naloxone may elicit opioid withdrawal leading to vomiting.
- C. Reversal of opioid toxicity, including sedating effect, may unveil the effect of other non-sedating drugs

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705.11 ADDITIONAL PROCEDURE FOLLOWING TRANSITION OF CARE TO ALS

- A. Complete card enclosed in naloxone carrying case
- B. Return card to Shift supervisor and place request for refill of naloxone kit

705.12 NALOXONE KIT STORAGE

Naloxone kit can be stored in cab of vehicle during a Shift and should be stored inside at room temperature at the end of each shift.

Surveillance Equipment Control

708.1 PURPOSE AND SCOPE

This policy describes the system for the authorization, distribution, use, and maintenance of surveillance and undercover equipment for the Lake Superior Drug & Violent Crimes Task Force (LSDVCTF)/Duluth Police Department Special Investigations Unit (DPD SIU).

708.2 AUTHORIZATION

A. The LSDVCTF/DPD SIU shall maintain or have access to specialized surveillance and undercover equipment to support criminal investigations.

B. The use of surveillance and undercover equipment shall be for legitimate law enforcement purposes, such as surveillance to gather criminal intelligence; to identify criminal activity, suspects, and/or vehicles; as directed by the Task Force Commander and his/her designee(s).

C. Designees are defined as any Officer/Investigator authorized to issue and maintain Task Force surveillance equipment. These designees include:

- (a) Task Force/DPD Sergeants
- (b) Task Force Technical Investigator

708.3 DISTRIBUTION

A. Equipment shall be distributed to authorized personnel at the approval of the Task Force Commander or his/her designee(s). The Task Force Technical Investigator is the designee responsible for surveillance equipment inventory.

B. The Task Force Technical Investigator issuing the equipment shall be responsible for maintaining the records for issued equipment.

C. Surveillance Equipment sign out sheets will be posted at equipment storage locations in the Task Force Office. Officers/Investigators checking out surveillance equipment will mark the out date and time and ensure that they have been properly trained on the technology they are using. Officers/Investigators will sign the sheet upon return of the surveillance equipment and notify the Task Force Technical Investigator of any damages/defects with the item.

D. Surveillance or undercover equipment may be borrowed to and from another agency or division with approval from the Task Force Commander or Task Force Sergeant. Whenever any surveillance or undercover equipment is borrowed to and from another agency or division, officers shall adhere to that agency's or division's equipment check-out procedures.

708.4 USE

A. Officers/Investigators using surveillance equipment are responsible to ensure that the use of surveillance and undercover equipment is within lawful guidelines.

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Surveillance Equipment Control

B. The Task Force Technical Investigator will offer periodic surveillance training on covert devices and legal updates relating to surveillance technologies. It is up to the Officer/Investigator to attend these training sessions or meet with the Task Force Technical Investigator to receive individual training. Officers/Investigators should also consult with the County Attorney's office in their particular jurisdiction in regards to legal questions regarding deployment of these devices.

B. Task Force Technical Investigator shall ensure that officers are proficient in the operation of the equipment before it is released to the officer.

IV. Maintenance

A. Task Force purchased surveillance and undercover equipment shall be maintained at the unit level by the Technical Investigator.

B. The Task Force Technical Investigator should inspect surveillance and undercover equipment for any defects or damages:

1. before issuing equipment,
2. upon return of equipment,
3. periodically during storage of equipment

C. Officers/Investigators shall immediately report in writing to the Task Force Commander through the chain-of-command when any equipment is lost, damaged, or destroyed.

D. The Task Force Technical Investigator is responsible for removing any damaged/defective piece of surveillance equipment from the active inventory until it can be repaired and is in working order

CALEA 43.1.4

Special Purpose Vehicles

709.1 PURPOSE AND SCOPE

The purpose of this directive is to establish policy and procedure for use of special purpose vehicles with the Duluth Police Department (DPD). The DPD utilizes special purpose vehicles to provide a safe mode of transportation to areas that are not feasible for other department vehicles, and to facilitate the efficient operation of certain assignments. Uses of special purpose vehicles may include, but are not limited to:

- Patrolling and participating with special events such as July 4th, Halloween, parades, etc.
- Patrolling assigned areas
- Enforcing state statutes and city ordinances
- Conducting activities related to crime prevention and community involvement
- Responding to specialized situations
- Functions with large gatherings of people
- Parks, recreation areas, bicycle and jogging trails;
- Areas identified as having a special patrol need, i.e. apartment complexes, neighborhoods with significantly higher crime rates, and malls or shopping centers during holiday seasons.
- Out-of-the way areas that may be difficult to patrol with a motor vehicle.
- Critical incidents

709.2 DEFINITION

Special Purpose Vehicle -- A special purpose vehicle is a vehicle that requires special training or authorization for deployment. The following vehicles are considered Special Purpose Vehicles with the DPD:

- Bicycles
- Canine Patrol vehicles
- Code 4 Bus
- Mobile Command Vehicle
- Side by Side Utility Vehicle (UTV)
- Tactical Response Team (TRT) vehicles and trailers
- Pontoon Boat
- CSI Van
- Task Force undercover/surveillance vehicle

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Special Purpose Vehicles

709.3 PROCEDURE

All Special Purpose Vehicles:

Special Purpose Vehicles are overseen by the area Lieutenant, with the exception of Bicycles which are overseen by the East Community Police Sgt. All special purpose vehicles and trailers will have annual inspections, unless otherwise noted in this policy. Assigned equipment will be included on the yearly vehicle inspection checklist.

- These inspections will be in addition to any inspections completed by Fleet Services or the State of Minnesota

Trailer Usage: Any specialty section which utilizes a trailer will train their employees on trailer towing, to include backing.

Condition and Maintenance:

The shift Sgt. is responsible for the readiness of all special purpose vehicles, while Fleet Services is responsible for all maintenance issues with motorized vehicles and trailers.

- Bicycle repairs will be referred to an appropriate repair shop or certified bike maintenance officer. New damage, or damage discovered at the beginning of a shift should be reported immediately to the shift supervisor and documented in the same manner as outlined in the Police Vehicle – Equipment and Inspection directive.

Limitations:

Special purpose vehicles will not:

- Transport prisoners unless the vehicle meets criteria outlined in the Prisoner Transports directive, and then only during extreme circumstances.

TRT (Tactical Response Team): The Duluth Police Department's Tactical Response Team (TRT) utilizes several vehicles which are all equipped with emergency lighting equipment and sirens. Vehicles assigned to TRT include the following special purpose vehicles:

- Mobile Command Center
- Tactical Operations Vehicle
- Rapid Deployment Vehicle

Qualifications and Training:

TRT officers must meet the same requirements as all other sworn personnel to operate DPD squad cars or SUVs. No special qualifications or training are necessary to operate TRT vehicles during nontactical situations. If a vehicle is used in a TRT tactical situation, the operator must have received prior TRT tactical training which addresses the use of the vehicle in tactical operations.

Authorization, Conditions, and Limitations of Usage:

- Only officers assigned to the TRT shall operate TRT vehicles, unless emergency circumstances are present.

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- Any other use of TRT vehicles requires authorization by the Division Lieutenant, Patrol Lieutenant, Deputy Chief, or Chief of Police; or their designee.
 - The authorizing authority will notify the TRT Commander of the use of the vehicle at their earliest convenience.

Mobile Command Vehicle:

The DPD utilizes a mobile command vehicle for special events, training, critical incidents, and as a tactical operations command post. It is equipped with police markings, lights, emergency lighting, siren, radio system, camera system, in-car computers, printer, white boards, and generator.

- The Mobile Command Vehicle will be inspected annually.

Qualifications and Training:

All officers who operate the Mobile Command Vehicle must meet the same requirements as all other sworn personnel to operate a DPD squad car or SUV. No specialized training is required to operate the Mobile Command Vehicle; however, officers operating the vehicle should be aware of height restrictions, wider turning requirements, high center of gravity, and high profile with cross winds. Officers are periodically given the opportunity for hands-on driving and tutorials of the vehicle. If an officer is unfamiliar or uncomfortable operating the mobile command vehicle, they should not operate the vehicle.

Authorization, Conditions, and Limitations of Usage:

The mobile command vehicle is to be used only with Lieutenant approval for special events, training, critical incidents, and as a tactical operations command post.

Canine Unit:

Canine officers (handlers) utilize partially-marked, specially equipped squads intended for the purpose of transporting the canine. The canine officer shall use the vehicle to transport the canine to and from work or to other canine related duties.

Canine vehicles are equipped with a canine cage, emergency lighting and sirens and other specialty canine equipment. The canine vehicles consist of:

- Partially marked squad cars or SUVs.

Qualifications and Training:

Canine officers must meet the same requirements as all other sworn personnel to operate DPD squad cars or SUVs.

Authorization, Conditions, and Limitations of Usage:

In most cases, canine vehicles will only be operated by Canine Officers. Assigned officers may authorize other sworn personnel to operate their canine vehicle.

Canine handlers may use their assigned vehicle for:

- Transportation of canine to and from work and home

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Special Purpose Vehicles

- Transportation of canine to veterinarian
- Pick up necessary food and equipment
- For transportation to demonstrations and public appearances
- Schools and training
- Call outs

Bicycle Patrol:

The DPD utilizes bicycles for a variety of reasons such as special events, trail patrol, and increased presence. The bicycles are equipped with police markings, headlights and taillights.

Bicycles will receive an annual inspection and are not required to undergo monthly inspections. This inspection will be completed by a certified bicycle mechanic officer.

- If a certified bicycle mechanic officer is not available, at the approval of the Chief of Police, the inspections will be completed by a certified, local bicycle vendor or mechanic.

Qualifications and Training: Officers must complete the Duluth Police Department approved Bicycle Patrol Officer Course or equivalent course certified by IPMBA prior to riding a bicycle on patrol as Bicycle Patrol Officer.

Authorization, Conditions, and Limitations of Usage:

All officers who have been properly trained are authorized to use the bicycles. Prior to taking a bicycle for patrol or special assignment, permission should be received from the on-duty Patrol Shift Supervisor in charge of any special event where the vehicle is to be used.

UTV/ATV:

The DPD utilizes a UTV/ATV for a variety of reasons such as special events, trail patrol, and increased presence. The UTV/ATV is equipped with police markings, lights, emergency lights, and siren.

The UTV/ATV is not required to undergo a monthly inspection and will only receive an annual inspection.

- Any equipment that is needed during operation of the UTV or ATV will be issued to officers when the UTV/ATV is in use. No equipment is permanently assigned to the UTV/ATV.

Qualifications and Training:

Officers must view the department approved training video prior to operating the UTV/ATV. Additional hands-on training is available upon request. Any officer not comfortable in the operation of the UTV/ATV should not operate it.

Authorization, Conditions, and Limitations of Usage:

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Special Purpose Vehicles

Prior to taking the UTV for patrol or special assignment, permission should be received from the on-duty Patrol Shift Supervisor in charge of any special event where the vehicle is to be used. Only those officers who have received training may operate the UTV.

The UTV may be operated on public trails, sidewalks, and roadways pursuant to MN code. Operators shall abide by all traffic regulations. In addition, officers shall ensure:

- The UTV will be operated at speeds of 35 mph or less on all surfaces.
- During operation, safety belts shall be worn and side barriers (mesh doors) secured.
- Headlights/taillights are on when the vehicle is operated on a roadway.
- Maximum occupancy does not exceed four.

If the UTV is needed to transport a prisoner, it will be done in the same manner as the transport of a prisoner in a non-barrier equipped vehicle as outlined in the Prisoner Transports directive. The ATV shall not be used to transport prisoners.

Crime Scene Investigations (CSI) vehicle

The CSI vehicle is utilized to transport CSI personnel and equipment to a crime scene. The vehicle shall be utilized to transport evidence collected at a scene back to the Department. The vehicle shall not be used for any other purpose without approval from a supervisor.

Qualifications and Training:

The CSI van may be operated by any employee. No special licensing or training is required.

Proper maintenance of the CSI vehicle shall be the responsibility of the unit SGT. CSI personnel shall be responsible for the annual inspection of the CSI vehicle

Authorization, Conditions, and Limitations of Usage:

The CSI van will be utilized by Crime Scene Investigation employees. No prior authorization is needed to respond to crime scenes.

CODE 4 BUS

The Duluth Police Department utilizes a CODE 4 BUS for community engagements and special events.

All officers who operate the CODE 4 Bus must meet the same requirements as all other sworn personnel to operate a DPD squad car. No specialized training is required to operate the CODE 4 BUS.

Pontoon Boat

"Get Hooked on Fishing". During the summer months the Duluth Police Department utilizes the pontoon boat to build relationships within the community and between youth in the community and officers in the Duluth Police Department.

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Qualifications and Training:

All officers who operate the pontoon boat must have general knowledge on boat operations. The pontoon boat will be inspected in the spring and fall months by one of the operators designated by the West area Lieutenant.

Authorization, Conditions, and Limitations of Usage:

Deployment of the pontoon boat for community engagements and special events will be authorized by the West area Lieutenant.

CALEA 41.1.3

Police Vehicle Equipment and Inspection

710.1 POLICY/PURPOSE

This policy informs department members of guidelines and procedures relative to police vehicle equipment and inspection. Proper police vehicle maintenance and inspections are to ensure that vehicles are safe and adequate for patrol and general use. Employees are required to inspect their assigned police vehicle prior to use. The inspection must include vehicle condition, ensuring that it is properly equipped, emergency signal devices are functional, and that no contraband or weapons are contained in the vehicle.

710.2 IDENTIFICATION OF VEHICLES AND EQUIPMENT

All marked Duluth Police Department (DPD) vehicles assigned to the uniform patrol division will be equipped with a mobile police radio, mobile data computer (MDC), emergency lights (in compliance with state statutes), a siren, a public address speaker, spotlight, and alley lights. Marked patrol units will be conspicuously marked with "Duluth Police Department", and reflective materials on the sides and rear. Unmarked patrol division vehicles will be equipped with mobile police radio, mobile data computer (MDC), emergency lights (in compliance with state statutes), a siren, a public address speaker, spotlight, and alley lights. Unmarked investigative/administrative vehicles will be required to have a mobile or portable police radio.

710.3 MARKED AND UNMARKED PATROL DIVISION VEHICLE EQUIPMENT

In addition to mobile police radio, MDC, emergency lights, siren, public address speaker, spotlight, and alley lights, officer are encouraged to make sure their marked and unmarked patrol division vehicles are equipped with the following:

- Less-lethal launcher
- PBT
- Fire extinguisher
- First Aid Kit
- AED
- Flares
- Fuel card
- Biohazard bags
- Sharps containers
- Personal Protection Equipment
- Blanket
- Spit Hood
- Leg restraints

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- Snow brush/ice scraper
- Spare tire
- Car jack
- Crime scene tape
- Evidence collection containers
- Emergency Response Guidebook

Note: This is in addition to equipment that is permanently mounted to the vehicle (i.e. Axon in car camera system, Radar/LIDAR with turning forks, mounted shotgun).

710.4 UNMARKED INVESTIGATIVE/ADMINISTRATIVE VEHICLE EQUIPMENT

In addition to a mobile or portable police radio, Investigators are encouraged to make sure their unmarked investigative/administrative vehicles are equipped with items that are needed to successfully and safely provide public safety services to the community.

710.5 VEHICLE INSPECTION

It is the responsibility of all personnel using a department vehicle to thoroughly inspect it at the beginning of each shift or work day, and particularly prior to use for transporting prisoners, if applicable.

This inspection shall determine that the vehicle is in safe working order, free from damage, and proper safety equipment is present and in safe working order.

The inspection may include:

- (a) Lighting
- (b) Emergency lighting and siren
- (c) Tires
- (d) Brakes
- (e) Engine noise
- (f) Safety barrier-prisoner transport
- (g) Emergency equipment (i.e. fire extinguisher, road flares, personal protective equipment, etc.)

Officers shall, upon logging into their MDC, add comments within the "Unit Remarks" section the vehicle asset number (i.e. #4051) and add appropriate comments pertaining to the condition of the vehicle. Officer are encouraged to add any other comments they feel are important to the operability of the vehicle or equipment therein (i.e. radar tested and in working order).

Again, relieving officers shall be responsible for the inspection of police vehicles before use. Any officer who discovers damage to a department vehicle will check the Damage Tracking book located in the Sergeant's offices prior to operating the vehicle. If damage has not been reported,

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notify your supervisor, complete a City Incident Report, and forward to the appropriate personnel. See below section "Vehicle Damage" for further details.

If the vehicle sustains purposeful damage from a suspect, the above procedure should be followed along with any applicable charges.

Officers are to clear their vehicles of any litter and debris prior to end of shift.

It shall be the responsibility of the Watch Commander to ensure bi-annual vehicle inspections are completed, using the DPD Vehicle Inspection Form on all marked/unmarked patrol division vehicles and to ensure patrol vehicles are equipped with the minimum required equipment that is properly functioning. The DPD Vehicle Inspection Form can act as a guide and aid officers and supervisors with ensuring the vehicles are properly equipped and functioning.

710.6 VEHICLE DAMAGE

During an employee's vehicle inspection or during the course of duty, if damage is found or occurs a supervisor shall be notified.

In order to have consistent handling of damage and/or crashes involving DPD vehicles, the following procedures should be followed by a supervisor:

If there is more than very minor "non-crash" damage done to vehicles (e.g. paint transfer from scraping a pole in PSB garage), mechanical damage done, criminal damage, etc.

- Complete a City Incident Report
- Take photos of visible damage (in most instances only a few are needed)
- For patrol squads, document in Damage Tracking book in Sergeant's office

In addition to the above, applicable crash reports must be completed for DPD vehicles involved in all multi-vehicle crash related incidents. Supervisors shall respond to the scene of a multi-vehicle crash involving a DPD vehicle and determine if another law enforcement agency is needed to complete the crash investigation.

All reports and photos should be emailed to: **Accident Reporting; Lynn Rosandich; Chuck O'Connor; Paul Johnson (Fleet manager); DC Nick Lukovsky; DC Ceynowa; and cc the supervising Lt of involved personnel.**

710.7 MAINTENANCE/REPAIRS

Needed repairs are reported to the officer's unit leader. The unit leader E-Mails the request to "Fleet Work Order". Fleet Maintenance will need the squad number, the four digit vehicle number, and the required maintenance or repair. Fleet Maintenance will notify unit leaders when the vehicle should be delivered to Fleet. Fleet will communicate with unit leaders when the vehicle has been serviced and can be put back into service.

Officers are responsible for reviewing the vehicle sticker which indicates when routine servicing is scheduled. (Computerized tracking of squad maintenance requires officers to enter accurate

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mileage figures when refueling). Squads requiring service are taken to the Fleet Maintenance Shop during normal work hours (0700 to 1530, Monday through Friday, holidays excluded). Fleet Maintenance will provide a spare squad for the officer to use.

Officers experiencing minor defects with their squads may stop at fleet maintenance during normal work hours. Flat tires may be repaired by Fleet Maintenance if they are open. If they are not open, officers may change the tire if they choose, or contact Dukes Towing.

Officers experiencing mechanical issues after Fleet Maintenance hours will contact their Supervisor. The Supervisor will contact Dukes Towing, who will tow the vehicle to secure storage until the next business day. A Supervisor will then determine if the squad should be towed to Fleet Maintenance, Headquarters, or an auto repair shop. All personal property, law enforcement data/information, vehicle assigned weapons (shotgun, less-lethal launcher, etc.) shall be removed prior to releasing to Dukes Towing.

Radio, MDC, Radar, and Axon maintenance are performed during normal work hours at the Police Radio Shop located at Facilities Management, 1532 W. Michigan Street.

Damage to squads must be documented and reported to the officer's unit leader. The unit leader is responsible for notifying the fleet supervisor..

Problems with squad shotguns are brought to the attention of the Use of Force coordinator or the officer's unit leader.

TOWING:

- Utilize Dukes Towing exclusively for DPD vehicles
- Remove all weapons, personal property, law enforcement data, and weapons prior to tow
- Do not have vehicle towed to PSB (or Fleet if after hours). If non-business hours/weekends, Dukes will hold vehicle in secure storage until next business day
- During business hours, if a vehicle has mechanical issue it should be brought to fleet services. If vehicle has damage due to a crash, it should be brought to Vine's Auto Body

Bluetooth Usage

711.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction to members of the Duluth Police Department when using Bluetooth technology.

Bluetooth is an open standard for short-range radio frequency (RF) communication. Bluetooth is used primarily to establish wireless personal area networks (WPAN). Bluetooth technology has been integrated into many types of business and consumer devices, including cell phones, laptops, automobiles, medical devices, printers, keyboards, mice, headsets, and biometric capture devices.

Bluetooth technology and associated devices are susceptible to general wireless networking threats (e.g. denial of service [DoS] attacks, eavesdropping, man-in-the-middle [MITM] attacks, message modification, and resource misappropriation) as well as specific Bluetooth-related attacks that target known vulnerabilities in Bluetooth implementations and specifications. Organizational security policy shall be used to dictate the use of Bluetooth and its associated devices based on the agency's operational and business processes.

711.2 DEFINITIONS

Security Mode 3: The link level enforced security mode which a Bluetooth device initiates security procedures before the physical link is fully established. Bluetooth devices operating in Security Mode 3 mandates authentication and encryptions for all connections to and from the device. The City IT Department will not issue a phone that does not meet this requirement.

Device ID Spoofing: Spoofing is the act of disguising a communication from an unknown source as being from a known, trusted source. Spoofing can apply to emails, phone calls, and websites, or can be more technical such as a computer an IP address, Address Resolution Protocol (ARP), or Domain Name System (DNS) server.

DoS Attacks: A denial of service attack (DoS attack) is a cyber attack in which the perpetrator seeks to make a machine or network resource unavailable to its intended users by temporarily or indefinitely disrupting services of a host connected to the internet. Denial of service is typically accomplished by flooding the target machine or resource with superfluous requests in an attempt to overload systems and prevent some or all legitimate requests from being fulfilled.

Hacking: The activity of identifying weaknesses in a computer system or a network to exploit the security to gain access to personal data or business data. An example of computer hacking can be using a password cracking algorithm to gain access to a computer system.

CJI Systems: Criminal Justice Information

711.3 USAGE POLICY

1. All users must follow the City of Duluth Wireless Communications Device Policy.
2. All Bluetooth devices need to be Security Mode 3 or higher.

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Bluetooth Usage

3. Only activate Bluetooth when needed and disable-or turn off when not in use.
4. No modifications can be made to Bluetooth devices.
5. Bluetooth devices shall not be used for eavesdropping, device ID spoofing, DoS attacks or any other form of attacking or hacking other Bluetooth enabled devices.
6. No personal Bluetooth devices can be utilized.
7. No personal devices may be used to access CJI systems.
8. Any violation of this policy may be subject to disciplinary action, up to and including termination.

711.4 ROLES AND RESPONSIBILITIES

1. It is the Bluetooth user's responsibility to comply with this policy and updates to the policy
2. Bluetooth users must act appropriately to protect information, network access, passwords, cryptographic keys, and Bluetooth equipment.
3. Bluetooth users are required to report any misuse, loss or theft of a Bluetooth device.

Chapter 8 - Support Services

Evidence/Property Inspections and Audits

800.1 PURPOSE AND SCOPE

Inspections of evidence/property storage areas are to ensure the integrity of the evidence/property retention system.

800.2 PROCEDURES

800.2.1 SEMI-ANNUAL LINE INSPECTIONS

Inspections of evidence/property and storage areas are conducted by the CSI unit leader and the Investigative Division Deputy Chief, or another unit leader in the Division. The inspection is accomplished by a random comparison of EVIDENCE REPORTS to ensure that:

- Record keeping procedures have been followed
- Evidence retention procedures have been followed
- The evidence is intact
- The evidence is disposed of in a timely fashion

The inspection will also assess the overall condition of evidence/property storage areas.

The inspection must be documented in writing and submitted to the Chief.

800.2.2 UNANNOUNCED INSPECTIONS

Annually the Chief will designate a unit leader to conduct an unannounced inspection of evidence and the evidence storage areas. The inspection will primarily consist of a random comparison of EVIDENCE REPORTS to evidence. A written report must be submitted to the Chief.

800.2.3 TRANSFER OF RESPONSIBILITY

When the CSIU unit leader is transferred the person assuming responsibility for CSI and a designee of the Chief will conduct a joint inspection. A written report must be made to the Chief. The inspection is to ensure the integrity of the system.

800.3 AUDIT

At a minimum annually an audit will be conducted and a supervisor from unit that is not the Evidence and Property Unit will facilitate this audit as follows:

- 100 or more high risk evidence and/or property items, randomly selected. High risk means, guns, drugs and money.

If feasible yearly, a full audit of the entire evidence and property contained at the DPD should be done and the report of the findings submitted to the Lieutenant overseeing the Evidence and Property Unit and saved on the I drive.

Upon the appointment of a new supervisor overseeing the property and evidence unit, that supervisor and a designee determined by the Chief will conduct an audit in compliance with Appendix K of CALEA accreditation.

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Evidence/Property Inspections and Audits

CALEA 84.1.6

Evidence Retention

801.1 PURPOSE AND SCOPE

It is necessary for the Department to carefully monitor and control evidence for which it is responsible. No item of evidence has any more value than the written record which accompanies it.

801.1.1 DEFINITION

Evidence: Any substance, material, or item found, recovered or seized in connection with a criminal investigation, concerning which a provable chain of custody must be maintained.

801.2 RESPONSIBILITY

The Crime Scene Investigations (CSI) unit leader is responsible for evidence, evidence storage areas, the EVIDENCE PACKAGING MANUAL and for all records pertaining to evidence that is being retained by the Department.

801.3 PROCEDURE

801.3.1 INTAKE

Personnel coming into possession of evidence must enter the item into Tyler's property and evidence module.. Each item must be identified by a label and be packaged as directed in the EVIDENCE PACKAGING MANUAL.

Evidence may be secured at Headquarters or at the West Duluth Station. The procedures are identical. Incoming evidence is placed in a locker. (Items too large for a locker may be placed at Headquarters in the Evidence garage secured cage area.

Officers desiring, or anticipating the need to have evidence processed, complete an entry in the activities tab in Tyler's property and evidence module. Similarly if officers need copies of audio or photographic evidence for court purposes or case files an entry in activities tab in Tyler should be made. These referral codes are checked daily Monday through Friday by CSIU.

Evidence Technicians have the right to refuse any piece of property that is not properly documented or packaged. Should the Evidence Technician refuse an item, he/she will maintain secure custody of the item and inform the submitting officer. For details regarding proper packaging and documenting of property see the Evidence Packaging Manual in the Evidence Packaging Room.

All evidence must be turned into the evidence intake room by the end of the shift. This includes items taken out for viewing or Court. A deviation from this requires a receipt indicating its location or written authorization from CSI.

801.3.2 SECURING VEHICLES

Cars/vehicles connected with crimes should be towed to the wrecker companies secure area. Officers must make a determination as to indoor or outdoor storage of the vehicle based on

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potential evidence to be collected. Routine recovered stolen vehicles should not be towed to the Police garage. Do not leave cars on the wash rack.

Do not tow vehicles needlessly or produce duplicate towing costs for owners, insurance companies, or the Department.

Prior to securing vehicles involved in major crimes (Homicides, Assaults, kidnappings etc) contact a representative from CSI for storage option.

Officers must complete detailed requests for processing using CAL code RCSIP. An Evidence Report is not necessary on a towed vehicle. A tow slip must be completed and filed at the desk.

801.3.3 EVIDENCE NEEDING PROCESSING

All evidence needing processing should be handled according to the Evidence Packaging Manual, placed into one of the processing lockers with label.

Processing Items of evidence is the responsibility of one of the Crime Scene Investigators. Upon completing the processing, all items will be returned to evidence for storage.

801.3.4 EVIDENCE NEEDED FOR COURT

All evidence needed for any court proceedings, the checking out, transportation, and returning, will be the responsibility of the officer requested to testify. If the court proceeding is resulting from the work of an investigator, the investigator will be responsible for the evidence. If an investigator is not involved with the court proceeding it will be upon the officer who made the arrest or issued the citation to provide the evidence required for the proceeding. This process will require a discussion with the prosecutor prior to court, such as during the pretrial meeting, detailing what will be needed. During the pretrial discussion with the prosecutor, if you as the arresting or assigned officer/investigator are eliminated from testifying, remind the prosecutor to assign this task to someone who is being called to testify.

801.4 RETENTION

Evidence and Property Technicians are responsible for transferring evidence from the receiving area to permanent storage. Only Evidence and Property Technicians have access to permanent evidence storage areas. Others needing to view evidence must make arrangements with, and be accompanied by the Evidence and Property Technicians.

801.5 DISPOSITION

Evidence and Property Technicians are responsible for clearing of evidence items.

Evidence may be cleared when:

- Prosecution is complete and the applicable appeal time has lapsed
- The statute of limitations has expired
- The complainant has provided a written request to close their case

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When an investigator is assigned to the case, the investigator should be notified prior to final disposition of the evidence.

Evidence still unclaimed 30 days after its release is authorized is be sold through public auction or destroyed. The Police Department conducts ongoing auctions through kbid.com.

801.5.1 RELEASE OF EVIDENCE TO OWNER

Minnesota Statute 609.523 permits release of evidence to the owner after proper recording and photographing. The prosecuting attorney and/or the assigned investigator must be consulted before evidence items are photographed and released.

Release of evidence shall be done through our Evidence and Property Technicians or through the officer/investigator assigned to the case under the direction of one of the Evidence and Property Technicians.

Evidence that needs to be mailed to the owner must have postage/handling paid in advance. The shipping cost will be determined by an Evidence and Property Technician bringing the item to the shipping authority to get a shipping quote. The shipping cost will be determined by taking the shipping quote and adding a packaging cost from the following list:

\$.01-\$50.00 - \$2.50

\$50.01-\$100.00 - \$5.00

\$100.01-\$150.00 - \$7.50

\$150.01-\$200.00 - \$10.00

And so forth.

801.5.2 RELEASE OF GUNS

Firearms that have no ownership established will be destroyed or if possible auctioned. For a list of firearms eligible to be auctioned refer to the BCA website.

801.5.3 DISPOSITION OF DRUG EVIDENCE

Two officers must be present during the entire drug evidence destruction process. The plastic evidence bags must be carefully inspected to determine that tampering has not taken place.

If there is any indication that the package has been tampered with, the substance must be re-tested in a manner determined by the Investigative Division Deputy Chief. If the weights or numbers of pills/capsules are not equal to the amount taken into custody, the discrepancy must be reported immediately to the CSI unit leader and the evidence retained so that the matter can be investigated.

Upon clearing a case involving drugs as evidence, the drugs will be marked for destruction and put into the drug destruction bin to be destroyed.

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801.6 TRANSFER OF EVIDENCE FOR DEPARTMENT PURPOSES

The use of evidence is a legitimate investigative or training need; this policy will protect the Department's evidence system and individual officers involved with its storage, transfer, and destruction.

801.6.1 REQUESTS

Requests must be made in writing to the Deputy Chief of Investigations, using the Requesting Evidence/Property for Department Need form found in the "I" drive under "Forms".

Upon the Deputy Chief's approval of the request, the request will be forwarded to the Sergeant in charge of CSI/Evidence and Property. That Sergeant will keep a file and spreadsheet of all requests. The Sergeant in charge of CSI, Evidence and Property will annually review the list and conduct an inventory of all items.

801.6.2 TRANSFER

Upon the approval of the Deputy Chief of Investigations, evidence will be signed out to the requesting party by an Evidence/Property Technician. When the evidence requested is a drug it will be weighed, measured, or counted and recorded in Tyler's property and evidence module by an Evidence/Property Technician prior to being signed out.

The requesting/receiving party is responsible for the security and safety of the evidence while it is signed out to them.

If the evidence is lost or misplaced, the responsible person shall report such an occurrence to the Sergeant in charge of CSI, Evidence and Property immediately. The Sergeant in charge of CSI, Evidence and Property will notify the Deputy Chief of Investigations.

801.6.3 RETURN OF EVIDENCE

When the evidence is no longer needed it is to be returned in person to an Evidence and Property Technician.

The evidence will be checked in and transferred back to Evidence and Property. If the evidence is drugs it will be weighed, measured, or counted upon its return and documented in Tyler.

CALEA 83.1.1, 83.2.1, 83.2.2, 83.2.3, 83.2.4, 83.2.6

Property Retention

802.1 PURPOSE AND SCOPE

It is necessary for the Department to carefully monitor and control property for which it is responsible.

802.1.1 DEFINITIONS

Property: any item(s), other than evidence, that is recovered, seized, or which comes into possession of the Department. The evidence and property records reflect the status of all property held by DPD.

802.2 RESPONSIBILITY

The Evidence and Property Technicians are responsible for property, property storage areas, and all records pertaining to property being retained by the Department.

802.3 PROCEDURE

802.3.1 INTAKE

Personnel coming into possession of property enter each item into Tyler Property and Evidence Module. Each item must be identified by a Tyler Property and Evidence Module label and be packaged according to the Evidence Packaging Manual.

Property may be secured at Headquarters or at the West Duluth Station. The procedures are identical. Incoming property is placed in a locker. (Items too large for a locker may be placed at Headquarters in the Evidence Garage caged area). At the West Station locker keys are deposited in the secure key box in the Property Room.

Evidence Technicians have the right to refuse any piece of property that is not properly documented or packaged. Should the Evidence Technician refuse an item, he/she will maintain secure custody of the item and inform the submitting officer. For details regarding proper packaging and documenting of property see the Evidence Packaging Manual in the Evidence Packaging Room.

All property should be turned in by the end of shift.

802.3.2 RETENTION

Evidence and Property Technicians are responsible for transferring property from the receiving area to permanent storage. Only Evidence and Property Technicians have access to permanent property storage areas. Money, precious metals, gems, jewelry, weapons, narcotics, and dangerous drugs are transferred to the evidence vaults for storage.

The chain of possession is kept in Tyler Property and Evidence Module and any moving of property will be recorded in Tyler Property and Evidence Module by an Evidence Technician.

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Property Retention

802.3.3 DISPOSITION

Recovered property is checked against Department records to determine whether it has been reported stolen or missing. If an owner is identified, they are contacted and advised that they may claim their property. Property is considered to be abandoned if it has been in the possession of the Department for 30 days according to City Ordinance 40-4. City Ordinance 40-6 authorizes the sale of abandoned property through public auction.

Release of property shall be done through our Evidence and Property Technicians or through the officer/investigator assigned to the case under the direction of one of the Evidence and Property Technicians.

Property that needs to be mailed to the owner must have postage/handling paid in advance. The shipping cost will be determined by an Evidence and Property Technician bringing the item to the shipping authority to get a shipping quote. The shipping cost will be determined by taking the shipping quote and adding a packaging cost from the following list:

\$.01-\$50.00 - \$2.50

\$50.01-\$100.00 - \$5.00

\$100.01-\$150.00 - \$7.50

\$150.01-\$200.00 - \$10.00

And so forth.

802.3.4 PROPERTY OBTAINED THROUGH ASSET FORFEITURE

The Evidence and Property Technicians shall ensure any items that become property of the Department through civil or forfeiture process meet all State of Minnesota requirements and are properly documented in the original case file. The lead case agent and/or their supervisor shall ensure any items that become property of the Duluth Police Department through civil or forfeiture process meets all State of Minnesota requirements and are properly documented in the original case files.

802.4 TRANSFER OF PROPERTY FOR DEPARTMENT PURPOSES

The use of actual property is a legitimate investigative or training need; this policy will protect the Department's property system and individual officers involved with its storage, transfer, and destruction.

802.4.1 REQUESTS

Requests must be made in writing to the Deputy Chief of Investigations using the Requesting Evidence/Property for Department Need Form found in the "I" drive under "Forms".

Upon the Deputy Chief's approval of the request, the request will be forwarded to the Sergeant in charge of CSIU, Evidence and Property. That Sergeant will keep a file and spreadsheet of all

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Property Retention

requests. Annually this list will be reviewed by the Sergeant of CSIU, Evidence and Property and an inventory of all items conducted.

802.4.2 TRANSFER

Upon the approval of the Deputy Chief of Investigations the requested property will be signed out to the requesting party by an Evidence/Property Technician. When the property requested is a drug it will be weighed, measured, or counted and recorded in Tyler Property and Evidence Module by an Evidence/Property Technician prior to being signed out.

The requesting/receiving party is responsible for the security and safety of the evidence while it is signed out to them.

If the property is lost or misplaced, the responsible person shall report such an occurrence to the Sergeant in charge of CSIU, Evidence and Property immediately. The Sergeant in charge of CSIU, Evidence and Property will notify the Deputy Chief of Investigations.

802.4.3 RETURN OF PROPERTY

When the property is no longer needed, the property is to be returned in person to an Evidence and Property Technician.

The property will be checked in and transferred back to Evidence and Property. If the property is drugs it will be weighed, measured, or counted upon its return and documented in Tyler Property and Evidence Module.

CALEA

84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 85.1.6, 84.1.7, 84.1.8

Evidence Packaging Manual

803.1 PURPOSE AND SCOPE

Evidence is defined as any material or item seized or recovered in connection with a criminal investigation which has probative value in determining who committed a crime, or how it was committed. The proper collection of evidence is necessary to preserve its usefulness in prosecutions. Evidence must be packaged in a way that protects and maintains an item and its evidentiary value for an indefinite period of time. The item must be maintained in its original condition to maintain its value.

803.1.1 POLICY

The Crime Scene Investigations Unit (CSI) supervisor maintains an EVIDENCE PACKAGING MANUAL which outlines procedures that officers must follow when packaging evidence and placing it into storage. The manual has the same authority as Department policy contained in a General Order. These procedures are designed to properly preserve evidence in its original condition for subsequent examinations, maintain a chain of custody, and also protect employees handling evidence from any hazards. Evidence and Property personnel will not accept any items that are not packaged properly. The items will be returned to the original officer to be re-packaged in a manner consistent with the EVIDENCE PACKAGING MANUAL.

803.2 EVIDENCE PACKAGING MANUAL PROCEDURE

The CSI unit leader is responsible for creating and maintaining the EVIDENCE PACKAGING MANUAL. The manual includes the current correct procedure for collecting, packaging, and labeling items that are routinely collected by police officers. A copy of the manual is maintained in the property rooms and the squad room. The CSI unit leader initiates any changes necessary for the manual and submits them to the investigative lieutenant. Subsequent to the investigative lieutenant's approval the changes are incorporated into all copies of the EVIDENCE PACKAGING MANUAL. Department personnel are immediately notified of the change in the most efficient manner which may include a Department-wide E-Mail and training at roll call. The policies are in effect, and must be complied with, as soon as personnel are notified.

803.3 ITEMS NOT COVERED IN MANUAL

Officers collecting evidence they are unsure of how to handle may contact CSI directly if they are on duty to determine the proper course of action. If not on-duty the officer should contact their own unit leader.

803.4 EVIDENCE REPORTS

Officers must complete a BEAST entry for items placed into evidence. A single BEAST entry may be completed for all items collected at a single location. The BEAST entry indicates the location in which the evidence has been stored. BEAST stores the evidence report; the computer program is used to maintain a chain of custody.

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803.5 REQUEST FOR SERVICES AND PROCESSING CAL ENTRIES

Officers submitting evidence needing analysis must complete a CAL entry "RCSIP" for processing of evidence or "RCSIC" for copying of media.

803.6 EVIDENCE PACKAGING MANUAL

See the Procedural Standard of Practice Guideline for a copy of the EVIDENCE PACKAGING MANUAL.

Laboratory Submissions

804.1 PURPOSE AND SCOPE

This General Order regulates responsibility and documentation of evidence that must be submitted for laboratory analysis.

804.2 CRIME LABS

- (a) Minnesota Bureau of Criminal Apprehension (BCA)
 - As a general rule, the BCA lab is utilized by the Department for all evidence processing.
- (b) Federal Agencies
 - The Federal Bureau of Investigation (F.B.I.), Alcohol, Tobacco and Firearms (A.T.F.) and Secret Service each have crime labs. It may be necessary or desirable at times to utilize these lab services. Particularly, they may be considered for items such as expanded fingerprint searches; analysis of weapons, explosives, or ballistics; and analysis of government documents.

804.3 SUBMITTAL RESPONSIBILITY

Evidence requiring analysis is submitted by the Crime Scene Investigations Unit following the request of the investigating officer or the prosecuting attorney. Analysis requests are authorized by the CSI unit leader. Requests must include information on the intent of the evidence analysis.

Evidence not submitted immediately upon being acquired must be stored in a manner which preserves its evidentiary value. Permanent storage of evidence is the responsibility of CSI.

804.4 CHAIN OF CUSTODY

Generally, items submitted for analysis are sent by certified mail. The evidence technician submitting the item(s) logs the submittal on the "Chain of Custody" section of the EVIDENCE REPORT, including the fact that the item was sent by certified mail. The certified mail receipt of delivery is attached to the EVIDENCE REPORT when received.

Evidence technicians delivering evidence to a laboratory enter the pertinent information on the "Chain of Custody" section of the EVIDENCE REPORT. A receipt is obtained from the laboratory which includes the agency name, date, time, and the recipients name and signature. The receipt is attached to the EVIDENCE REPORT.

804.5 LABORATORY RESULTS

The Department requests that all laboratory results be submitted in writing. Lab personnel are available for questions regarding findings. They may also be subpoenaed to testify as to their laboratory findings

Records

805.1 PURPOSE AND SCOPE

In compliance with the Minnesota Department of Administration, the Police Department has established a policy for the release of information. In compliance with Minnesota Government Data Practices Act, the Department carefully controls access to all information. In general information about law enforcement activities is public unless restricted by statute, and information about personnel issues is private unless reclassified by statute.

Due to the complexity of the release of information, and the severe penalties imposed for improper release of information, Department personnel must refer all requests for information release to Records Support Unit (RSU) personnel.

The Department has access to records created by multiple counties. The Department is prohibited from releasing other agency's records and may not divulge the fact that other agencies have records related to the citizen or media request.

805.1.1 DEFINITIONS

Confidential Data on Individuals - Data that is not public by statute or federal law and is inaccessible to the individual who is the subject of that data (Minn. Stat. § 13.02 Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used, or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms, and all other correctional and detention facilities (Minn. Stat. § 13.85 Subd. 1).

Data on Individuals - All government data in which any individual is, or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual (Minn. Stat. § 13.02 Subd. 5).

Government Data - Data collected, created, received, maintained, or disseminated by this department regardless of its physical form, storage media, or conditions of use (Minn. Stat. § 13.02 Subd. 7).

Private Data - Data identifying an individual that is only available with the individual's written consent, to the individual, by court order or search warrant, or pursuant to a federal or state statute that grants access (Minn. Stat. § 13.02 Subd. 13).

Records Management - The systematic control and management of data throughout the life cycle of the data, including, without limitation, the creation, use, maintenance, retention, and ultimate disposition of the data.

805.1.2 CRIME REPORTING

National Incident Based Reporting System (NIBRS)

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The DPD shall participate in the NIBRS program. Statistical data is automatically generated by the Records Management System. The data is supplied by the Records Unit to the Bureau of Criminal Apprehension (BCA) on a monthly basis. The BCA then transmits data to NIBRS.

805.1.3 INCIDENT NUMBER SYSTEM

The DPD shall employ an incident numbering system that will assign a distinct sequential number to each incident report. The numbers are automatically generated within the Computer Aided Dispatch (CAD) system. A case number, automatically generated by the records management system, will be assigned to written reports.

805.1.4 INCIDENT REPORTING REQUIREMENTS

All reported incidents determined to have occurred within the City of Duluth that fall into one (1) or more of the following categories shall be documented:

- (a) Citizen reports a crime;
- (b) Citizen request for service, when:
 - 1. A patrol officer or investigator is dispatched
 - 2. A departmental employee is assigned to investigate
 - 3. An officer-initiated incident, whether criminal, quasi-criminal, noncriminal, or service oriented
 - 4. Incidents involving arrests or citations

Appropriate reporting of incidents described in this section shall be decided by the nature of the reported incident, the action taken by the responding officer, and the results of those actions. At a minimum, however, all the above reported incidents shall be documented with an automatically-generated incident number in the computer-aided dispatch system.

In the event of a reported stolen firearm, officers must be dispatched to the scene to take an incident report from the reporting party and process the scene as applicable.

All written reports shall be completed according to the department guidelines.

Case numbers will be used on all department reports where identification is required.

805.1.4 FIELD REPORTING

Officers will use field-based reporting to complete case reports, supplemental reports, arrest reports and field interview reports. Officers will complete the error check prior to submitting the report for review. Supervisors will review reports and submit them through to the RMS.

805.1.5 REPORT DISTRIBUTION

The Records Unit shall generally be responsible for the distribution of records and have oversight of all records that are distributed to the other departmental divisions designated to receive them. The Records Unit is responsible to ensure that all required copies are distributed to other city departments as necessary, or as directed by the Chief of Police. Sworn supervisors

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are responsible to ensure the transmission of copies of electronic accident reports, criminal complaints, citations, and DUI's to the Minnesota BSA. The Records Unit shall oversee the distribution of records/reports to non-police department personnel, other law enforcement agencies, citizens, and the media, etc. Distribution of records shall be performed according to department policy, and applicable city, state, and federal statutes. Requests for copies of reports can be made to the Records Unit and these include but are not limited to:

- (a) Police Criminal Information Reports
- (b) Accident Reports
- (c) Local Criminal Background Checks

805.1.6 REPORTS BY PHONE, MAIL OR INTERNET

Online reporting will be available to the public to report certain types of crimes. Community Service Officers (CSO's) will respond to certain online reported crimes per CSO operational manual.

805.1.7 MASTER NAME INDEX

A Master Name Index file with a unique ID is created in the Records Management System for all persons arrested or having other involvement with the DPD: any subsequent arrests or involvements are referenced to this unique Master Name Index file. All documents pertaining to an arrest or other involvement are scanned and attached to the electronic records.

805.1.8 LAKE SUPERIOR DRUG AND VIOLENT CRIMES TASK FORCE

The Lake Superior Drug and Violent Crimes Task Force will maintain drug intelligence reports, confidential informant files, criminal intelligence reports, and case management files on cases assigned to the Lake Superior Drug and Violent Crimes Task Force.

805.2 RECORDS ACCESS

805.2.1 RECORDS ACCESS BY DEPARTMENT PERSONNEL

All records related to calls for service, arrests, investigations, etc is available to officers and RSU personnel. These records can only be accessed by Department employees for legitimate law enforcement purposes. The electronic records system serves multiple counties and allows agencies to restrict information availability on a case-by-case basis.

805.2.2 RECORDS ACCESS BY NON-DEPARTMENT PERSONS

General Guidelines for the Release of Records Information:

NOTE: Release of Investigative Data and Comprehensive Investigative Data are strictly controlled by the Minnesota Government Data Practices Act.

RSU personnel are knowledgeable of the regulations regarding the release of information. RSU personnel having questions about the release of information direct the inquiry to the RSU unit leader. Unresolved questions are referred by the RSU unit leader to the City Attorney's Office. Most data contained in incident complaint reports (ICR) and arrest data are considered public.

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Information, other than ICR or arrest data, contained in active investigation files is usually confidential and is available only to other law enforcement agencies and the victim of the crime, if any.

Fees for Records Information:

The Department may assess a charge for the release of records information. Clerical personnel assigned to RSU may receive money for released records information. A receipt is issued any time money is received.

The RSU unit leader is responsible for money collected in the RSU. Collected monies are turned over monthly to the City Treasurer's Office for auditing.

805.3 RECORDS RETENTION

The Duluth Police Department follows the City's record retention schedule on file with the City Clerk. All records collected by the Department are retained, stored, microfilmed and destroyed in accordance with the schedule.

805.4 MINNESOTA GOVERNMENT DATA PRACTICES ACT (CHAPTER 13, M.S.A.)

The Minnesota Government Data Practices Act establishes three classes of information, each having separate restrictions on their release. The three classes are:

- (a) Data on Individuals
 1. Public Data - Accessible by any member of the public for any reason.
 2. Private Data - Not accessible by the public but is accessible by the subject of the data.
 3. Confidential Data - Neither accessible by the data subject nor by the public
- (b) Data on Decedents
 1. Public Data - Accessible by any member of the public for any reason.
 2. Private Data* - Not accessible by the public, but is accessible by the representative of the decedent.
 3. Confidential Data* - Neither accessible by the representative of the decedent nor by the public.
- (c) Data NOT on Individuals
 1. Public Data - Accessible by any member of the public for any reason.
 2. Non-public Data - Not accessible by the public, but is accessible by the subject of the data, if any.
 3. Protected Non-public Data - Neither Accessible by the data subject nor by the public.

*Private and confidential data on decedents become public ten years after the death of the subject and 30 years after creation of the data.

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805.5 CLASSIFICATIONS OF LAW ENFORCEMENT DATA

NOTE: M.S. 13.82 Subdivision 17 is referenced throughout this order and is quoted below. It protects the identities of a number of individuals. It is important for Department employees to realize that if a person's identity is protected by this statute, even if that person is involved in a separate event where their identifying information would normally be public, that the information must still be protected. The persons protected are in bold to facilitate understanding.

Subd. 17. Protection of identities. A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) when access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5

(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2

(c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and:

) (1) the agency determines that revealing the identity may threaten the personal safety or property of any person

(2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness

(h) when access to the data would reveal the identity of a mandated reporter under section 609.456, 626.556, or 626.557. Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies

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shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).

805.5.1 PUBLIC DATA

All data collected, created, received, maintained, or disseminated by the Department is public unless specifically classified by statute or federal law as private or confidential.

(a) Arrest Data (M.S. 13.82 Subdivision 2)

1. Time, date and place of the action
2. Any resistance encountered by the agency
3. Any pursuit engaged in by the agency
4. Whether any weapons were used by the agency or other individual
5. The charge, arrest or search warrants, or legal basis for the action
6. The identities of the agencies, units with the agencies, and individual persons taking the action
7. Whether and where the individual is being held in custody or is being incarcerated by the agency
8. The date, time and legal basis for any transfer of custody, and the identity of the agency or person who received custody
9. The name, age, sex, and last known address of an adult person or the age and sex of any juvenile person cited, arrested, incarcerated, or otherwise substantially deprived of liberty
10. Whether the agency employed wiretaps or other eavesdropping techniques, unless the release of this data would jeopardize an ongoing investigation
11. The manner in which the agencies received the information that led to the arrest and the names of individuals who supplied the information unless the identities of those individuals qualify for protection under M.S. 13.82 Subdivision 17
12. Response or incident report number

(b) Request for Service Data (I.C.R.) (M.S. 13.82 Subdivision 3)

1. The nature of the request or the activity complained of
2. The name and address of the individual making the request unless the identity qualifies for protection under M.S. 13.82 Subdivision 17
3. The time and date of the request or complaint
4. The response initiated and the response or incident report number

(c) Response or Incident Data (M.S. 13.82 Subdivision 6)

1. Data, time, and place of the action

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2. Agencies, units of agencies and individual agency personnel participating in the action unless the identities of the agency personnel qualify for protection under M.S. 13.82 Subdivision 17
3. Any resistance encountered by the agency
4. Any pursuit engaged in by the agency
5. Whether any weapons were used by the agency or other individuals
6. A brief factual reconstruction of events associated with the action
7. Names and addresses of witnesses to the agency action or the incident unless the identity of any witness qualifies for protection under M.S. 13.82 S17
8. Names and addresses of any victims or casualties unless the identities of those individuals qualify for protection under M.S. 13.82 Subd. 17
9. The names and location of the health care facility to which victims or casualties were taken
10. Response or incident report number
11. Dates of birth of the parties involved in a traffic accident
12. Whether the parties were wearing seatbelts
13. The alcohol concentration of the driver

Contents of 911 Calls (M.S. 13.82 Subd. 4)

Written transcripts of 911 calls are public data unless it contains the identity of a person protected by M.S. 13.82 Subd. 17. Release of such transcripts is the responsibility of the 911 Center and requests should be referred to them.

Inactive Investigative Data (M.S. 13.82 S7)

Inactive investigative data is public data unless the release of the data would jeopardize an ongoing investigation (M.S. 13.82 Subd. 14, or the identity of someone protected by M.S. 13.82 Subd. 17.

An investigation becomes inactive when:

- a decision is made not to pursue the case
- expiration of the statute of limitations, or 30 years after the commission of the offense, whichever comes earliest
- all rights of appeal by the convicted person have been exhausted

805.5.2 PRIVATE DATA

- (a) Photographs which are part of inactive investigative files and which are clearly offensive to common sensibilities, but the existence of the photographs shall be disclosed to any person requesting access to the inactive investigative file M.S. 13.82 Subd. 7

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- (b) Investigative data that identifies a victim of child abuse or neglect
- (c) Inactive child abuse investigative data that relates to the alleged abuse or neglect of a child by a person responsible for the child's care
- (d) Property data that uniquely describes stolen, lost, confiscated, or recovered property or property described in pawn shop transaction records
- (e) Firearms data pertaining to the purchase or transfer of firearms and applications for permits to carry firearms
- (f) Criminal history data obtained from the Minnesota Bureau of Criminal Apprehension
- (g) Personnel data
- (h) Driver's license information (M.S. 171.12 Subd. 17)
- (i) Motor vehicle registration.

805.5.3 CONFIDENTIAL DATA

- (a) Investigative data collected or created by a law enforcement agency in order to prepare a case against a person for a crime or civil wrong while the investigation is active
- (b) Active or inactive investigative data that identifies a reporter of child abuse or neglect
- (c) Arrest warrant data until the defendant is taken into custody, served with a warrant, or appears in court, except when the law enforcement agency determines that the public purpose is served by making the information public
- (d) Data that reflects the processes or investigative techniques of law enforcement agencies
- (e) Domestic abuse orders for protection only until they are served upon the subject
- (f) The identity of a person filing a property complaint even if it results in police action, M.S. 13.44 Subd. 1

NOTE: Law enforcement agencies are not prohibited from exchanging pertinent information in initiating, furthering, or completing an investigation.

Any law enforcement agency may release confidential information to the public if the agency determines it will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest.

805.5.4 RESPONSIBLE AUTHORITY

The City employee responsible for the conformance with the Data Practices Act regarding the collection, use, and dissemination of all data in the City of Duluth is established by City Council resolution.

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805.5.5 CRIMINAL AND CIVIL REMEDIES

- (a) Any person who willfully violates the provisions of the Minnesota Government Data Practices Act (Chapter 13, M.S.A.) is guilty of a misdemeanor and constitutes just cause for suspension without pay or dismissal of the public employee.
- (b) Any person or representative of a decedent who suffers any damage as a result of a violation of the Minnesota Data Practices Act may sue for civil damages.

CALEA 82.1.1, 82.1.3, 82.1.4, 82.1.5, 82.2.1, 82.2.2, 82.2.3, 82.2.4, 82.2.5, 82.3.1, 82.3.2, 82.3.5, 82.3.6

Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Duluth Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the government data information covered in the Records.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Duluth Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

CHRI - Criminal History Release of Information

806.2 POLICY

Members of the Duluth Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA) and the Minnesota Comprehensive Incident-Based Reporting System (CIBRS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.

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- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.
- (g) Ensuring a comprehensive security assessment of any personal information maintained by the Duluth Police Department is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).
- (h) Ensuring CIBRS is notified within 10 days that an investigation in CIBRS has become inactive (Minn. Stat. § 299C.40).

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Duluth Police Department policy or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

Accessing Brazos, software primarily used by records to submit handwritten tickets and to check on routing errors to the state, through <https://my.brazostech.com/> is only allowed when users are connected to the CJIS Network.

806.4.1 DATA PRACTICES COMPLIANCE OFFICIAL

The Records Supervisor is the designated Data Practices Compliance Official for the Duluth Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records, security regulations and requirements imposed by federal and state law (Minn. Stat. § 13.05 Subd. 13). The Data Practices Compliance Official will resolve specific questions that arise regarding authorized recipients of CHRI.

806.4.2 RELEASE OF CHRI

Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Records & Technology Manager
- (b) Senior police records technicians, police records technician 2, administrative information specialists, criminal intelligence analysts and information technicians
- (c) Personnel specifically designated in writing by Deputy Chiefs with the concurrence of the Data Practices Compliance Official

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806.4.3 RELEASE OF CHRI TO FIELD PERSONNEL

Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not generally be transmitted by radio, cellular telephone or through computer terminals to field personnel or to vehicles except for official purposes

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered, or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.5.1 REVIEW OF CHRI

Members of this department shall refer individuals seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87, Subd. 1(b)).

806.5.2

806.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

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- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

806.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal history files (MN BCA, CCH) are managed by the Duluth Police Departments MN BCA TAC (Terminal Agency Coordinator).

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

806.7.2 DESTRUCTION OF CHRI

When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding at such time its destruction is permitted by the organization's records retention schedule.

Each employee shall be responsible for destroying the CHRI documents he/she receives.

806.8 TRAINING PROGRAM

All personnel authorized to process or release CHRI shall be required to complete a training program prescribed by the Data Practices Compliance Official and consistent with BCA requirements. The Personnel, Training, and Licensing Unit shall coordinate the course to provide training in the proper use, control and dissemination of CHRI.

806.9 PENALTIES FOR MISUSE OF RECORDS

It is a crime to obtain CHRI criminal history data in an unauthorized manner, to use the data for an unauthorized purpose, or to disclose the data to a person who is not entitled to the data (Minn. Stat. § 13.09).

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Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy.

Employees who obtain, or attempt to obtain, information from the Department files, other than that to which they are entitled in accordance with their official duties, is a violation of the Conduct Policy.

806.10 SECURITY BREACHES

In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the Chief of Police or designee shall ensure an investigation into the breach is made. Upon completion of the investigation and final disposition of any disciplinary action, a report containing the facts and result of the investigation shall be prepared. If the breach was conducted by an employee, contractor or agent of Duluth, the report must include a description of the type of data that was breached, the number of individuals whose information was breached, the disposition of any related disciplinary action, and the identity of the employee determined to be responsible for the breach (Minn. Stat. § 13.055).

Written notice shall be given to any individual whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person as soon as reasonably practicable. The notice shall include the following (Minn. Stat. § 13.055):

- (a) Notification that an investigation will be conducted.
- (b) Notification that a report containing the facts and results will be prepared.
- (c) Information on how the person may obtain access to the report, including that he/she may request delivery of the report by mail or email.

The notice may be delayed only so long as necessary to determine the scope of the breach and restore the reasonable security of the data or so long as it will impede an active criminal investigation. Notice shall be made by first class mail, electronic notice or substitute notice as provided in Minn. Stat. § 13.055, Subd. 4. If notification is required to be made to more than 1,000 individuals, notice to all consumer reporting agencies of the timing distribution and content of the notices must also be made (Minn. Stat. § 13.055, Subd. 5).

Computers and Digital Evidence

807.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

The collection, preservation, transportation, and storage of computers and related equipment requires specialized training and handling to preserve its value as evidence. If it is anticipated that computer evidence or equipment will be seized, officers should request that certified computer forensic examiners assist in seizing computers and related evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and should utilize the most knowledgeable resources available. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost. Items should be transported away from electromagnetic fields, (i.e., in the trunk next to police radios, etc.)
- (g) Lodge all computer items into Property and Evidence. Do not store computers where normal room temperature and humidity is not maintained.

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- (h) At minimum, officers should document the following in related reports:
 - 1. Where the computer was located and whether it was in operation.
 - 2. Who was using it at the time.
 - 3. Who claimed ownership.
 - 4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., remote drives, hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or the equipment is proprietary (e.g., Apple keyboard and mouse) and necessary for examination of the associated media.

807.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

807.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, external drives, compact discs or any other storage media is required, certain items should be forwarded to the Local Task Force, Minnesota State Crime Lab, or other computer forensic examiner. These include:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the evidence relating to investigation or other legal authority for examination.
- (c) A listing of the items to search for (e.g., photographs, financial records, E-mail, documents).
- (d) A forensic copy of the media will be made; the original should be preserved as evidence.

807.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

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- (a) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request a Property and Evidence Technician copy the contents to an appropriate form of storage media.
- (b) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (c) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (d) Use plastic cases designed to protect the media, or other protective packaging, such as anti-static packaging, to prevent damage.

807.4 SEIZING PCDS

Personal communication devices (PCD), such as cellular telephones, Personal Data Assistants (PDA) or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) In major cases (i.e. homicide, kidnapping, bank robbery, etc.) do not turn the device on or off; consult with a forensic examiner as soon as possible. If an expert is not readily available, the device should be wrapped in no less than six sheets of heavy duty aluminum foil, or placed in a solid metal container, such as a paint can or in a Faraday bag to prevent the device from sending or receiving information from its host network. This places the evidence in a time-sensitive mode, and a forensic expert must be involved as soon as possible to preserve evidence, prior to discharge of the battery.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.
- (d) In routine cases, devices should be powered off and the battery removed, if possible. The device should be packaged properly and stored in evidence.
- (e) It is common for cell phones and other devices to be password protected. Officers should ask the owner of the device for the passwords/passcodes for the device if the owner is available.

807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

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807.5.1 COLLECTION OF DIGITAL EVIDENCE

The approved method of collecting digital images for use as evidence is with a department issued camera. Officers having personally owned cell phones and Smart phones are discouraged from taking evidentiary photographs with those devices. Officers with phone plans partially reimbursed by the City may use those cell phones and Smart phones to take evidentiary photographs. However, officers using cell phones and Smart phones to take evidentiary photographs should be aware that the cell phone or Smart phone may be subpoenaed into a Court proceeding involving evidence captured by that device. The cell phone or Smart phone becomes subject to MN Chapter 13 Data Practices Law and everything in the phone is subject to discovery.

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (e.g., smart card, compact flash card or any other media) shall be brought to the Evidence Packaging Room Processing locker #21 or CSI mailbox as soon as reasonably possible for submission into evidence.
- (b) CSI Investigators and the evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as reasonably possible following the collection of evidence, the camera operator is to remove the memory card from his/her digital camera and place the card into a manila envelope. The camera operator shall write their name and PIN number on the outside of the envelope before placing in the Evidence Packaging Room Processing locker #21 or the CSI mailbox along with the evidence form. A Digital Evidence Form will be filled out for each case submitted.
- (d) CSI will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, CSI will erase the memory card for reuse. The storage media will be marked as the original.

807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory, that is not your department issued digital recorder, must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) As soon as reasonable the item shall be submitted to CSI along with a Digital Evidence Form. CSI will upload the video or audio file in the same manner as it does photos.

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807.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media related to case documentation that is held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

CALEA 83.2.2, 83.2.5

MNJIS/CJDN

808.1 MNJIS/CJDN SECURITY POLICY

Section 1 shall be considered the official MNJIS/CJDN Security Policy for Duluth Police Department. This section addresses the physical and personnel security of the MNJIS/CJDN system. All staff must follow the policies contained herein. This will assure proper usage of the system and adherence to all Local, State, and Federal regulations that govern the use of the MNJIS computer system. The Terminal Agency Coordinator (TAC) for Duluth Police Department shall be designated in the BCA CRM REPORT. The TAC manages the operation of the MNJIS/CJDN terminal on a local agency level and is responsible for ensuring that all state and local policies are enforced regarding the use of the MNJIS/CJDN terminal.

808.1.1 ACCESS TO MNJIS/CJDN SYSTEM

Access to the MNJIS/CJDN shall be limited to employees who have completed BCA Certification. Currently, at Duluth Police Department, this is limited to TAC, Records Personnel, two Crime Analysts and an embedded MNNG Counter Drug Task Force Analyst. All other personnel of Duluth Police Department must make their Criminal Justice inquiries through their MNJIS/CJDN operators. The TAC shall be allowed to log into multiple sessions for the ability to perform administrative functions at different workstations and is not to be used for routine entries.

Staff having access to the MNJIS/CJDN system must meet the follow requirements:

- (a) Be an employee of Duluth Police Department, a sworn agent of the Lake Superior Drug and Violent Crimes Task Force or an Analyst assigned to the Lake Superior Drug and Violent Crime Task Force.
- (b) Successfully pass a State and National fingerprint background check.
- (c) Be trained and certified within six months of hire and biennially thereafter.
- (d) Complete Basic Security Awareness Training within six months of hire or assignment and Biennially thereafter. New employees of the Duluth Police Department shall be fingerprinted within 30 days of employment or assignment and the fingerprint cards shall be sent to the BCA for a background check. A new employee of the Duluth Police Department shall have a background check completed before they are hired. Fingerprint cards on MNJIS/CJDN operators are to be kept in a locked drawer by the Terminal Agency Coordinator. Fingerprint cards of the IT personnel that support the MNJIS/CJDN network will be at Duluth Police Department. The TAC will issue a unique username and password to authorized users with access to the MNJIS/CJDN and Portal 100. Authorized users will be given a unique password to have access to criminal histories. That Criminal History Password will be changed by the TAC at least every 2 years. A list of these assigned passwords shall be kept by the TAC in a locked cabinet.

808.1.2 TRAINING OF SWORN OFFICERS

NCIC requires that all sworn personnel must receive basic, formal MNJIS/NCIC training within the first 12 months of hire, and annual refreshers thereafter. All training of sworn officers must be

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documented. A sworn officer includes any licensed peace officer employed at the Duluth Police Department. DPD will meet this requirement by having all Officers review the BCA's recorded training for MDT/MDC Officers.

808.1.3 SECURITY OF TERMINAL

The MNJIS/CJDN terminal(s) and Criminal Justice Information for Duluth Police Department is/are maintained in a secure area. Only authorized personnel who have passed a State and National fingerprint background check are allowed unescorted access to the secure area(s). All personnel who have direct responsibility to configure and maintain computer systems and networks with direct access to FBI CJIS systems must successfully pass a fingerprint based background check. Criminal History responses, as well as all other MNJIS/CJDN printouts will be destroyed when no longer needed. These documents will be shredded at Duluth Police Department. All personnel who have direct responsibility to configure and maintain computer systems and networks with direct access to FBI CJIS systems must also take Security Access training and pass the test.

808.2 MISUSE OF MNJIS/CJDN SYSTEM

MNJIS CJDN –is the overall system, which provides criminal justice agencies computer access to data stored on state and national systems. Inquiries into the motor vehicle registration, driver license, criminal history or any other file in the MNJIS/NCIC systems will be performed for criminal justice purposes only. Any employee misusing information or obtaining information for other than official criminal justice purposes from the Criminal Justice Data Network will be subject to disciplinary action.

When performing any file inquiries or making any entries into NCIC or MNJIS, it is important to remember that the data stored in MNJIS/NCIC is documented criminal justice information and this information must be protected to ensure correct, legal and efficient dissemination and use. The individual receiving a request for criminal justice information must ensure that the person requesting the information is authorized to receive the data. The stored data in NCIC and MNJIS is sensitive and should be treated accordingly, and unauthorized request or receipt of NCIC or MNJIS material could result in criminal proceedings.

When the Chief or the TAC becomes aware that an employee of Duluth Police Department is using a MNJIS/CJDN terminal, MNJIS CJDN terminal generated information, MNJIS CJDN equipment, or MNJIS CJDN access not in accordance with agency policies, state policies, or NCIC policies and said problem is not deemed merely operator error, the Chief or their designee, or the TAC shall promptly address the violation. The Chief or their designee shall meet with the person who is alleged to have violated the policy and determine appropriate sanctions, which may include any or all of the standard discipline policies currently in place at Duluth Police Department. Intentional misuse of the MNJIS/CJDN system is a serious violation and the BCA will be informed of such violations. If criminal behavior is believed to have occurred, appropriate agencies will be notified for further investigation. The TAC, with the Chief's approval, may at any time terminate a staff person's access to the MNJIS/CJDN system for any rule violation.

808.3 HIT CONFIRMATION

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808.3.1 DEFINITION OF A CJIS/NCIC HIT

A Hit is a positive response from MNJIS and/or NCIC in which the person or property inquired about appears to match the person or property contained in the response. Queried subject appears to match the record subject.

808.3.2 NCIC HIT CONFIRMATION POLICY

Agencies that enter records into MNJIS/NCIC must be available for Hit confirmation 24 hours a day, every day of the year. Non-24-hour agencies must place either the ORI or the telephone number (including area code) of the 24-hour agency responsible for responding to a hit confirmation request in the MIS field of the hot file record.

808.3.3 THE HIT CONFIRMATION PROCESS

NCIC policy requires an agency receiving a hit on another agency's MNJIS/NCIC record to contact the entering agency to confirm that the record is accurate and up to date.

The agency requesting confirmation must specify whether the request is ROUTINE or URGENT. ROUTINE hits allow up to an hour to respond and URGENT hits allow only ten(10) minutes. See current NCIC manual for entry procedure. Routine hit confirmation requests must be responded to within one(1) hour. Urgent hit confirmation requests must be responded to within ten (10) minutes.

808.3.4 HIT CONFIRMATION POLICY

If you have performed an inquiry and received a "Hit", use the following procedures:

- (a) Print a hard copy of the Hit.
- (b) Immediately confirm with the arresting officer. Examine the Hit message and evaluate all information in the record and compare with the officer's description of the subject being stopped or property being recovered to insure that person or property matches the person or property described in the Hit.
- (c) Confirm the Hit with the originating agency. An inquiring agency that receives a hit must use the YQ message to request confirmation of a Hit. Use the appropriate pre-formatted screen.

808.3.5 HIT CONFIRMATION RESPONSE

If you receive a Hit confirmation, use the following procedures to respond.

- (a) Print a hard copy of the confirmation request.
- (b) Note the amount of time that you have to respond and make sure to respond within that time period.
- (c) Attempt to confirm the Hit by checking the original warrant or report file to determine if the person is still wanted or property is still missing.
- (d) If you are unable to confirm the Hit, send a response with an explanation for not being able to confirm.

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808.3.6 DOCUMENTATION OF THE HIT CONFIRMATION PROCESS

All Hit confirmation teletypes should be retained, and precise notes should be made on the printout concerning how, when, and to whom the information was given. The printout should be kept in the case file. Documentation of the confirmed Hit is essential and may be critical to the success of defending a later claim of misidentification or false arrest.

808.4 MISSING PERSON POLICY

808.4.1 ENDANGERED MISSING PERSONS

Endangered missing persons, regardless of age, are to be entered into the system immediately not to exceed two (2) hours, upon receiving the minimum data required for entry into NCIC. The two (2) hour clock shall begin at the time the minimum data required is received. The agency must be able to document the time.

808.4.2 JUVENILES - UP TO 17 YOA

Juveniles are to be entered into the system immediately, not to exceed two hours, upon receiving the minimum data required for entry into NCIC. The two hour clock shall begin at the time the minimum data required is received. The agency must be able to document the time.

808.4.3 ADULTS 18-20 YEARS OLD

Any adults under 21 years of age are to be entered into the system immediately, not to exceed two (2) hours, upon receiving the minimum data required for entry into NCIC. The two (2) hour clock shall begin when the minimum data required for entry is received from the complainant. The agency must be able to document the time. A signed report is not required.

808.4.4 ADULTS 21 YEARS AND OLDER

To ensure maximum System effectiveness, Missing Person records must be entered immediately when the conditions for entry are met, not to exceed three(3) days, upon receipt by the entering agency. Adults, age 21 and older, are required to have signed documentation supporting the stated conditions under which they are being declared missing before entry into the system, unless they are victims of a catastrophe.

810.4.5 Entry of All Missing People

The documentation should be from a source such as a parent, legal guardian, next of kin, physician or other authority source including a neighbor or a friend. However when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice. For agencies using Electronic Records Management Systems (ERMS), some forms of signatures that are acceptable are: 1) Digitized signatures 2) Manual signatures scanned into the ERMS 3) The case officer's typed name into the report in the ERMS. When entering records into the NCIC missing person file, the entry person will:

- (a) Run a current DVS and CCH/III inquiry to obtain as many descriptors as possible regarding the subject. This check should include a check of whether medical/dental information is available regarding the subject.

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- (b) Any descriptors used must be documented in the officer's report or saved within the case file.
- (c) Attempts to obtain medical/dental information must also be documented in the case file.
- (d) Enter a record into NCIC on the subject. This record should include all descriptors. Additional identifiers such as scars, marks and tattoos, aliases, additional dates of birth, etc., should be added to the record through the use of the Enter Missing Person Supplemental Screen.
- (e) After the record is entered, query the NCIC entry to obtain a hard copy for second party verification purposes.

Agencies are required to verify and update NCIC 2000 missing person record entries with any additional information, including: Blood Type (BLT); Dental Characteristics (DCH); Fingerprint Classification (FPC); Jewelry Type (JWT); and Scars, Marks, Tattoos, and Other Characteristics (SMT) within sixty (60) days of entry. If a record has a date of entry older than thirty (30) days and any of the above fields are blank, a \$.K. Missing Information Notification identifying the blank fields will be transmitted. The \$.K. Missing Information Notification will also include the record.

A notation shall be made in the case file indicating when this attempt was made and what the outcome was, ie: child has returned, dental records obtained, etc. This sixty (60) day update is a mandatory FBI requirement on all missing persons records under the age of 21 and Duluth Police Department personnel shall document this attempt in the case file to show that this requirement has been met.

808.5 SECOND PARTY CHECKS

Second party checking means that someone, other than the person making the record entry, checks the record for accuracy and completeness. This procedure is required for ALL Hot File entries and modifications to record entries. The person conducting a second party check on a hot file should first query the record, print the HIT, and proceed with the following steps:

Ensure that all appropriate sources were checked and queried for complete information. This may include Criminal History records, motor vehicle registrations, driver's license information and any other available sources. Make sure that this source material is kept with the case file or warrant. ie: D/L printouts, Registration printouts, CCH/III identification information

Compare the information from the sources listed above against the record entered into MNJIS/NCIC to verify the accuracy of information in all fields of the hot file record. Verify that all information was coded correctly with appropriate up-to-date NCIC codes. Correct any records that are inaccurate or coded incorrectly. Verify that the record was "packed" with all available information. Initial the hard copy of the entry and place the hard copy in the case file.

808.6 IDENTITY THEFT

Before an entry can be made in the Identity Theft File, an official complaint (electronic or hard copy) must be recorded and on file at our law enforcement agency. Our agency may make an

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NCIC Identity Theft entry only if we are the agency that takes the identity theft complaint and the following criteria are met:

1. Someone is using a means of identification of the victim.
2. The identity of the victim is being used without the permission of the victim.
3. The victim's identity is being used, or intended to be used, to commit an unlawful activity.
4. The victim must sign a consent waiver, which can be found on the CJDN Secure site, prior to the information being entered into the Identity Theft file.
5. Information on deceased persons may be entered into the file if it is deemed by the police Officer that the victim's information has been stolen. No consent form is required with the entry of deceased person information.
6. If the Identity Theft file is going to contain the Social Security Number of the victim, our agency is required to inform the individual of this fact and they must sign the "Notice about Providing Your Social Security Number" form, which can be found on the CJDN Secure site.

808.7 PROPERTY HOT FILE RECORDS

808.7.1 VEHICLE FILE

Before entering a stolen or felony vehicle record into MNJIS/NCIC you should:

1. A theft report describing the stolen item including the serial number (SER) or owner applied number (OAN).
2. Do a registration check with the state that the vehicle is registered with and print out a hard copy of the registration to attach to the record.
3. Enter the record into MNJIS/NCIC using the pre-formatted screen. Make sure to pack the record with as much information about the vehicle as is available. Also verify the NCIC codes as they are not always the same as what you see on the copy of the registration.
4. Query MNJIS/NCIC to verify entry and to obtain a copy of the record to be attached to the record.
5. Follow procedures for the second party check.

808.7.2 STOLEN GUNS, ARTICLES, BOATS AND SECURITIES

Before entering a stolen record into MNJIS/NCIC you should:

1. A theft report describing the stolen item including the serial number (SER) or owner Applied number (OAN).
2. If entering a boat, do a registration check with the state that the boat is registered with and print out a hard copy of the registration to attach to the record.
3. Enter the record in MNJIS/NCIC using the pre-formatted screen. (Boats and securities will only be entered into NCIC.) Make sure to pack the record with as much information about the item as is available.

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4. Query MNJIS/NCIC to verify entry and to obtain a copy of the record to be attached to the record.
5. Follow procedures for the second party check.

808.8 VALIDATION

Validation obliges the ORI to confirm that the record is complete, accurate, and still outstanding or active.

The Duluth Police Department must validate all hot file records, except for Article File records. Validation takes place 60-90 days from the date of entry and yearly thereafter.

Validation requires the entering agency to remove all records that are no longer active from the MNJIS/NCIC Hot Files.

Validation requires the entering agency to compare all records against the current supporting documentation to ensure that the information in each field is accurate; and that the records contain all available information found in the case files.

Validation requires the entering agency to remove all records for which corresponding case file documentation cannot be located OR recreate the case file so our agency meets NCIC requirements.

Validation requires the entering agency to update records as needed when NCIC Code changes occur; Agency related information, such as extradition limits or hit confirmation, and/or contact information changes; or new or additional information becomes available.

The following are contacts: (1) Missing Person - consult the complainant to verify that the person is still missing for all missing person records.

(2) Stolen Property - contact the owner or insurance company for stolen property validations to verify that the property is still missing. On stolen vehicles, run a new registration to see if the vehicle has been re-registered to an insurance company or possibly in another person's name.

Note: All entries in any of the Hot Files must be documented for entry. In addition, upon the entry of any Hot File, a second party check must be completed.

808.9 DISPOSAL

When the shredding company for the Duluth Police Department is on premises, DPD staff must accompany the worker through the entire process. The bin will remain locked until arriving at the truck. The bin is then unlocked and opened by the truck as part of the electronic lift process. We will observe while the contents of the bin are shredded and then confirm the bin is empty.

CALEA 43.1.2

Animal Control

809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control Officers (ACO) and Duluth Police Department personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

809.2 TRAINING

ACOs shall successfully complete the required basic and continuing education animal control courses as approved by the Department.

809.3 ANIMAL CONTROL OFFICER RESPONSIBILITIES

The ACO shall be responsible for enforcing local, state and federal laws relating to animals and for appropriately resolving or referring animal problems as outlined in this policy (Minn. Stat. §343.20 Subd. 5). The ACO shall be under the operational control of the Administrative Deputy Chief. The ACO's assigned working hours will be scheduled by the Administrative Deputy Chief. During hours when the ACO is on-duty, requests for animal control services shall be assigned by the Communications Center or the Watch Commander. Requests for assistance by the ACO shall be acknowledged and responded to promptly.

809.4 OFFICER RESPONSIBILITIES

During hours when the ACO is off-duty, or if the ACO is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal-related calls and should take appropriate actions to control the following situations:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, or is aggressive, officers should take measures to confine the animal at the Duluth Animal Shelter to prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (e) When an animal is gravely injured.

An officer may remove, shelter and care for any animal that is not properly sheltered from cold, heat or inclement weather, or any animal not properly fed and watered or provided with suitable food and drink, in circumstances that threaten the life of the animal (Minn. Stat. § 343.29 Subd. 1). The animal may be euthanized following a determination by a doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment (Minn. Stat. § 343.29 Subd. 2). Officers shall not enter a facility where farm animals are confined unless they

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follow a procedure and directive for biosecurity measures identified by the Board of Animal Health (Minn. Stat. 17.986).

809.5 ANIMAL CRUELTY COMPLAINTS

Officers shall investigate all reports of animal cruelty and forward the information to the ACO for follow-up, pursuant to Minn. Stat. § 343.12. Officers shall not hesitate to take any immediate actions deemed necessary, such as arresting violators and providing for the care and welfare of abused animals. The assistance of an ACO may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

Following a court order, an officer or ACO shall search the place designated in a warrant and conduct an investigation in conjunction with a veterinary doctor (Minn. Stat. § 343.22 Subd. 2).

809.6 STRAY DOGS

If the animal has a license or can otherwise be identified, the owner should be contacted if reasonably possible (Minn. Stat. § 343.29 Subd. 1). If a dog is taken into custody, it shall be transported to the animal shelter making sure the animal has food, water and bedding.

The Kennel Form must be completely filled out including the ICR number, and if possible include a copy of the CAD comments, and attach them to the animal's cage. Release of impounded dogs requires a fee be paid.

Once an animal has been taken into custody, all releases should be handled by the animal shelter.

809.7 ANIMAL BITES TO HUMANS

Officers shall obtain as much information as possible for forwarding to the ACO for follow-up. Every reasonable effort shall be made to capture and impound the animal immediately.

The following actions and enforcement by local animal control and officers are required when an animal bites a human (Minn. R. 1721.0520; Minn. R. 1721.0580):

- (a) If a dog, cat or ferret bites a human, the animal must be confined and observed for signs suggestive of rabies for 10 days or euthanized and tested for rabies. If at any time during the 10-day observation the animal dies, it must be tested for rabies. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies.
- (b) If an animal other than a dog, cat or ferret bites a human it must be evaluated on an individual basis by the animal control authority in conjunction with the recommendations of the Minnesota Department of Health. The animal may be confined and observed for signs suggestive of rabies. If requested by the Department of Health, the animal must be euthanized and tested for rabies.

809.8 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of problem. Officers will also document any actions taken; citation(s) issued and related report numbers.

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In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle the ACO may be called in to handle the animal.

All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

809.9 DECEASED ANIMALS

Deceased dogs and cats on public property will be removed and properly disposed of by the ACO. Officers will remove deceased dogs and cats when the ACO is not on-duty. The deceased animals shall be put into a plastic bag and placed in the Animal Shelter freezer.

All other deceased animal, besides dogs and cats, the officer shall contact Public Works dispatch for removal.

809.10 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it may be taken to a doctor of veterinary medicine as described below.

- (a) During normal business hours, the animal may be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the watch commander should be notified and they shall make the decision with consultation with the ACO if the animal should be taken to an authorized veterinary emergency services clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
- (d) When it is necessary to kill a seriously injured or dangerous animal the Firearms and Qualification Policy shall be followed. The decision to dispatch the seriously injured animal will rest with the on duty Watch Commander.
- (e) Injured wildlife should be referred to the nearest rehabilitation center.
- (f) When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (g) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released. If the ACO is off-duty, the information will be forwarded for follow-up.

809.11 CITATIONS

It should be at the discretion of the handling officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation

Special Events

810.1 PURPOSE AND SCOPE

This policy provides guidelines for handling of special events by the Duluth Police Department to ensure a safe enjoyable event for the community.

810.2 RESPONSIBILITIES

Planning of events is the responsibility of the assigned Special Events Coordinator or personnel designated by the Chief of Police.

810.3 GUIDELINES

- A. Written plans shall be drafted for handling of special events that require a planned response.
- B. Personnel with responsibility for the event, as established by the Chief of Police, shall be responsible for the development of the written plan for the event.
- C. Written instructions shall be distributed to all personnel affected by the plan.
- D. When necessary or helpful, written instructions shall be distributed to persons outside the Department for coordination of activities.
- E. The plan shall be completed in advance of the event leaving enough time to adjust if needed.

810.4 SPECIAL EVENT PLAN

The special event plan should contain the following information:

- A. Dates and times of event and location.
- B. Information for traffic direction and control.
- C. Use of personnel and their responsibilities.
- D. If needed, names of persons to be contacted at other involved agencies.
- E. If needed, supplementary materials, such as maps, charts, etc.
- F. Names of department personnel who will work during the special event, their assignments and estimated hours of work.
- G. Communications procedures to be used during the event.
- H. Equipment and transportation requirements
- I. Contact information for the event holder
- J. Procedure for ending the event

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810.5 PERMIT INVESTIGATION

Permits for special events involving a community event, parade or race shall be investigated by the Duluth Police Department. (Ord 45.51)

The current process of permit investigation by the Duluth Police Department:

- A. Review permit received by the City Clerk's Office
- B. Review or visit event site and/or meet with event applicant to determine needs
- C. Review call for service history to determine the health, safety, peace and comfort of the surrounding neighborhood
- D. Consult with traffic engineers, city electrician and GIS mapping to determine any conflicts (construction, detours, etc.)
- E. Determine level of inconvenience to and safety of motor vehicles and pedestrian traffic (DTA, ISD 709, etc.)
- F. equipment need for the event (barricades, cones, signs, vehicles, etc.)
- G. Assess any parking needs or disruption
- H. Prepare and send a detailed request for equipment to traffic operations
- I. Review estimated traffic operations cost
- J. Determine police personnel needed for the event
- K. Prepare cost estimate (combined Police personnel cost and traffic operations cost) and send to the event applicant.
- L. Prepare permit addendum and send to the event applicant.
- M. Obtain Chief's signature on permit
- N. Return signed permit, cost estimate and permit addendum to the City Clerk's Office.
- O. Secure personnel to work event by posting overtime.
- P. Prepare the Special Event plan with detailed instructions and maps for traffic equipment set-up and duties during the event. Deliver instructions to all personnel working the event.
- Q. Prepare media release for events that have a significant impact on traffic.
- R. At the conclusion of the event, review the final cost for traffic operations and police personnel hours.
- S. Prepare the actual cost (combining final Police personnel cost and final traffic operations cost) and send to City Finance Office.
- T. Review all information on event and save all special event files for future reference.

CALEA 46.2.7

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent Department procedures regarding frisks (pat-down), searches incident to arrest, booking and strip searches of arrested persons. Officers must comply with all constitutional, statutory, and case law protections granted individuals concerning arrest, search and seizure.

900.2 DEFINITIONS

Frisk (Pat-Down) - This is a limited type of search used by officers in the field when an officer has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the officer or others.

Custodial Search - This search involves a thorough search of an arrested individual's clothing. All pockets, cuffs and folds on the clothing are checked to locate all personal property, contraband or weapons.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person.

900.3 FRISKS (PAT-DOWN)

- (a) When any officer has reasonable, articulable suspicion that a person is currently engaged in criminal behavior and has reasonable, articulable suspicion that the person is in possession of weapons or other dangerous items, that officer may conduct a pat down search of that individual.
- (b) Whenever reasonably practicable, a frisk of an individual should be conducted by an officer of the same gender as the person being frisked. Absent the availability of a same gender officer, it is recommended that a witness officer be present during any frisk of an individual of opposite sex as the officer conducting the frisk.

900.4 BOOKING SEARCHES

- (a) A person arrested shall be searched incident to the arrest. The search shall be conducted as contemporaneously to the arrest as possible
- (b)
- (c) If the desired search involves an area not under the immediate control of the arrested party, employees should attempt to obtain permission to search from the person in control of the property and complete a VOLUNTARY SEARCH CONSENT FORM.

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It is critical to document what steps were taken to ensure the individual has control of the property and is legally entitled to consent to the search. If unable to obtain voluntary consent, the area is to be secured and a search warrant obtained. Officers are encouraged to be thorough and diligent in obtaining evidence but must comply with all constitutional, statutory, and case law restrictions. Officers have a right to seize any evidence in "plain view" when they have a legal right to be there. The criminality of the evidence must be readily apparent.

- (d) An area within a motor vehicle where an arrest has been made can only be searched if done contemporaneously to the arrest (*Arizona V Grant*). If probable cause to search the vehicle for weapons, contraband, or other evidence exists, a warrantless search may be conducted (*Carroll Doctrine*). A person arrested shall have all dangerous weapons, contraband, and evidence taken from them. All seized items shall be logged into the property room pursuant to the guidelines in the Duluth Police Department Evidence Operations Manual. Reasonable diligence in maintaining the physical integrity of seized property is required.
- (e) All prisoners shall be handcuffed and searched prior to being transported.

900.5 STRIP SEARCHES

No person held at any Duluth Police Department facility shall be subjected to a strip search unless there is probable cause based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband, or other evidence. Factors to be considered in determining probable cause include, but are not limited to:

- (a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.
- (b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband, or other evidence. A felony arrest charge or being under the influence of a controlled substance should not suffice as probable cause absent other facts.
- (c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).
- (d) The person's actions or demeanor.
- (e) Criminal history (level of experience in a custody setting).

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

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Strip searches of individuals may not be conducted without a search warrant or based solely on probable cause unless a warrantless search exception is identified. Warrantless search exceptions that may apply while conducting strip searches include:

- (a) Incident to lawful arrest
- (b) With valid, voluntary consent
- (c) Exigent circumstances

All Strip searches of juveniles shall meet the requirements of this policy and shall only be performed by a physician regardless of the type of strip search being conducted.

900.6 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.7 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Unit.

900.8 STRIP SEARCH PROCEDURES

- (a) Strip searches at Duluth Police Department facilities shall be conducted as follows:
- (b) Verbal authorization of the assigned supervisor shall be obtained prior to the strip search.
- (c) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).
- (d) When a strip search is needed involving an individual that has identified themselves as transgender or the officer is unable to determine the gender or gender identity of the individual, the following shall apply:
 - 1. Officers shall inform the individual of their right to express a preference of gender.

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2. Absent exigent circumstances, before performing any level of search of the individual, officers shall inform the individual of their right to request a preference of the gender of the officer that will conduct the search.
 3. The request and response shall be video recorded when possible and documented in the officer's report. If the request is not granted, the reason for not granting the request shall be documented.
 4. Absent exigent circumstances, if the individual has a preference, at least one officer of the gender requested shall conduct the search.
 5. If the individual does not specify a preference, at least one officer of the individual's gender expression shall conduct the search. Example: A male officer would search an individual stating no gender preference expressing themselves as a male.
 6. When in doubt regarding search of a transgender individual, officer shall consult with a supervisor.
 7. The identified gender or the expressed gender (if failing to identify) shall be the gender utilized and applied to all processing, supervision, privacy, and separation requirements required in this or other Department policies.
- (e) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.
 - (f) Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.
 - (g) Employees conducting a strip search shall conduct the search methodically. Employees shall assess the demeanor of the person being searched to ensure appropriate officer safety measures are met and if appropriate, the removal of garments should be conducted with as much aid from the suspect as possible. All clothing items should be searched as they are removed.
 - (h) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched. Weapons, contraband, or evidence that is concealed on the person being searched may be seized immediately if they are in a location or condition that allows for removal of the item without touching the identified areas. Employees conducting a strip search shall make efforts to obtain assistance or cooperation from person being searched to remove concealed items from their persons.
 - (i) If Weapons, contraband, or evidence are concealed fully or partially inside a body cavity of the person being searched, the employee shall prepare a search warrant allowing for a cavity search and the employee shall follow steps outlined in 902.6 to remove such items.
1. The primary employee conducting the search shall prepare a written report to include:

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2. The facts that led to the decision to perform a strip search.
 3. The reasons less intrusive methods of searching were not used or were insufficient.
 4. The name of the supervisor authorizing the search.
 5. The name of the person who was searched.
 6. The name(s) of the persons who conducted the search.
 7. The name of any person present during the search.
 8. The time and date of the search.
 9. The place at which the search was conducted.
 10. A list of the items, if any, recovered during the search.
 11. The facts upon which the employee based his/her belief that the person searched was concealing a weapon, contraband, or other evidence.
- (j) No employee should view a prisoner's private underclothing, buttocks, genitalia or female breasts while the prisoner is showering, performing bodily functions or changing clothes unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner's consent and/or otherwise protect the prisoner's privacy and dignity.
- (k) Subsequent to a strip search, a written report shall be prepared. The report shall contain approval of the report by the supervisor authorizing the search, the name of the person subjected to the search, the names of the person(s) conducting the search, the time, date and place of the search and a copy of the search warrant authorizing the search. The report shall also contain all facts and details that prompted the need for the search.

900.9 PHYSICAL BODY CAVITY SEARCH

- (a) No person, absent exigent circumstances, shall be subjected to a physical body cavity search without a search warrant and approval of a supervisor.
- (b) A copy of the search warrant and the results of any physical body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or intermediate or advanced Emergency Medical Technician (EMT) may conduct a physical body cavity search.
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same gender as the person being searched. Privacy requirements, including the restricted touching of body parts, are the same as the strip search standard.
- (e) If an arrested or detained person is believed to have swallowed or otherwise ingested evidence and said evidence is believed to be retained in the digestive system of

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the person, employees shall take immediate steps to provide first aid to the arrested person and to arrange for transportation to a medical facility. Employees shall brief the medical staff as to the circumstances of the ingestion. If required to do so, employees shall prepare a search warrant to enact medical procedures for the retrieval of the evidence. If an arrested or detained person ingests evidence, employees shall notify the involved supervisor on duty at DPD in a timely manner.

900.10 TRAINING

The Professional Standards Lieutenant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

CALEA 1.2.4, 1.2.8

Chapter 10 - Personnel

Reporting of Employee Convictions and Court Orders

1000.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1000.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Minnesota and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Minn. Stat. § 518B.01).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1000.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Minnesota. Any license of a peace officer convicted of a felony is automatically revoked (Minn. Stat. § 626.8431).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

Minn. Stat. § 624.713 prohibits ineligible persons from possessing a handgun or semi-automatic assault weapon.

1000.3.1 COURT ORDERS

All employees shall promptly notify the department if they are a party to, or have been served with, any court order from any jurisdiction.

1000.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1000.5 CHEMICAL DEPENDENCY TREATMENT

If an officer is informally admitted to a treatment facility or program pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6)).

Officers in this situation shall promptly notify the department.

Police Officer Involved Domestic Abuse

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for handling matters of domestic violence involving police officers. This policy will provide administrators and officers guidelines to be followed when one (or more) party to a possible domestic violence incident is an employee of the Duluth Police Department, whether sworn or civilian and of any rank, or an officer from an outside agency. The development and implementation of this policy underscores this law enforcement agency's commitment to thoughtfully and thoroughly investigating all incidences of domestic assault, and the recognition of the unique circumstances posed by police officer involved domestic violence incidents.

1001.2 POLICY

This policy takes a continuum approach, seeking first to educate, then prevent, or interdict, domestic abuse situations early on in order to reduce victimization of the partner and increase the opportunity for continued officer career stability. Where incidents of domestic violence are alleged to have occurred, the department will take immediate and thoughtful action to safeguard the victim(s), arrest the perpetrator, and conduct the appropriate parallel administrative and criminal investigations.

An officer of the Duluth Police Department convicted of a qualified domestic abuse related crime, becomes subject of a protective order, or found to be in violation of this policy is subject to departmental intervention which may include but is not limited to the following: referral to counseling services, remedial training, discipline up to and including termination.

1001.3 DEFINITIONS, CODES, AND STATUTES

1001.3.1 DOMESTIC ABUSE

Minnesota Statute §518B.01 Subd 2(a) defines domestic abuse, if committed against a family or household member by a family or household member, as follows:

- physical harm, bodily injury or assault; the infliction of fear of any of the following: imminent physical harm, bodily injury or assault;
- terroristic threats within the meaning of Minnesota Statute §609.713, Subd 1;
- criminal sexual conduct in the first, second, third, fourth, or fifth degree (Minnesota Statutes §609.342, §609.343, §609.344, §609.345, and §609.3451);
- interference with an emergency call within the meaning of Minnesota Statute §609.78, Subd. 2.

1001.3.2 FAMILY OR HOUSEHOLD MEMBERS

Family or household members are defined in Minnesota Statute §518b.01 Subd 2 as:

- spouses and former spouses;
- parents and children;

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- persons related by blood;
- persons who are presently residing together or who have resided together in the past;
- persons who have a child in common regardless of whether they have been married or have lived together at any time;
- a man and a woman if the woman is pregnant and the man is alleged to be the father regardless of whether they have been married or have lived together at any time;
- persons involved in a significant romantic or sexual relationship. (In determining whether or not a significant romantic or sexual relationship exists, the court shall consider the length of time of their relationship, type of relationship, frequency of interaction between the persons, and if the relationship has terminated, the length of time since the termination).

1001.3.3 PROBABLE CAUSE

A belief, based on an officer's observations and reasonable judgment, and statements by parties and witnesses involved, that a crime occurred and the subject committed the crime.

1001.3.4 SELF DEFENSE

Reasonable force used by any person in resisting or aiding another to resist an offense against the person (M.S. 609.06 Subd. 1(3)). The use of force must be reasonable for that person given the nature of the threat. Reasonable force to defend oneself does not include seeking revenge or punishing the other party.

1001.3.5 PREDOMINANT AGGRESSOR

In the absence of self-defense, the family or household member who has engaged in the most immediate and significant aggression, by considering certain factors (Policy 320), including the comparative severity of injuries involved and the likelihood of future harm.

1001.3.6 US CODE, TITLE 18, PART I, CHAPTER 44, §922 (A) (1) (D) (8),

"It shall be unlawful"for any person"that "is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that €"

- (A) was issued after a hearing of which such person received actual notice, and at which such intimate partner of child; or
- (B) (i) includes a finding that such person represents a credible threat to the physical safety of intimate partner or child; or
- (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) has been convicted in any court of a misdemeanor crime of domestic violence,

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- "to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce".

1001.3.7 MN STATE STATUTE §624.713

Certain Persons Not to Possess Firearms, Subd. 1, Ineligible persons, (b), a person who has been convicted of a crime of violence."

1001.4 PROCEDURES

This policy is designed to address and/or provide the following:

- Prevention through hiring and training practices;
- Direction to supervisors for intervention when warning signs of domestic abuse are evident;
- A structured response to reported incidents of domestic abuse involving officers;
- Direction for conducting the subsequent administrative and criminal investigations.

1001.4.1 PREVENTION AND TRAINING

a. The department will adhere to a zero tolerance policy toward police officer domestic abuse. The department will provide training to officers on domestic abuse and this zero tolerance policy.

b. Additional training will be provided to supervisors and administrative personnel related to domestic abuse to include but not limited to:

- Departmental legal considerations and liability
- Media and Public Relations
- Conducting criminal investigation in incidents of domestic abuse when one or more person involved is a police officer

c. The department will establish ongoing relationships with local victim advocacy organizations to assist in prevention, training, and intervention in regard to domestic abuse issues.

1001.4.2 EARLY WARNING AND INTERVENTION

a. Pre-Hire Screening and Investigation:

- The Duluth Police Department shall conduct a thorough background investigation of all employee applicants. All candidates shall be questioned about their past to determine if any allegations, arrest and/or convictions for abuse or violence exist.
- The Department shall require as part of their psychological exam of all viable candidates a focus on indicators of violence or abusive tendencies.

b. Department Responsibilities:

- The department shall, either in response to observed warning signs or at the request of an officer or other family member, provide non-punitive avenues of assistance to officers, their partners, and other family members before an act of domestic abuse occurs. This may include but is not limited to referral to the Employee Assistance

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Program. The department shall inform officers of the procedure for seeking confidential referrals to appropriate confidential counseling services.

c. Officers Responsibilities:

- Officers have a moral, ethical, and professional obligation to provide assistance to victims and to enforce the laws of the State of Minnesota. With this in mind, the department has an expectation that any officer who has knowledge of a domestic abuse incident involving a fellow officer will report that incident, fulfilling their obligation to the law and to the Duluth Police Department. A disclosure on the part of any officer, intimate partner, or family member to any member of the department that an officer, intimate partner, or family member has engaged in domestic abuse will be treated as an admission or report of a crime and shall be investigated. Officers who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality.

1001.5 SUPERVISOR RESPONSIBILITIES

a. Demonstrations of inappropriate aggressive behaviors while conducting law enforcement business shall be documented for consideration by Supervisors. These behaviors include the following: stalking and inappropriate surveillance activities, unusually high incidences of physical altercations, injuries or verbal disputes. Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic abuse including but not limited to the following:

- excessive and/or increased use of force during arrests;
- alcohol and/or drug abuse;
- increase in controlling behaviors;
- stalking activity;
- citizen and fellow officer complaints of unwarranted aggression and/or verbal abuse;

b. When the supervisor notes a pattern of problematic behavior, the supervisor shall:

- Address the behaviors through coaching and/or progressive discipline when applicable documenting all contacts;
- Forward documented problematic behavior to the appropriate Deputy Chief through the chain of command in a timely manner.
- If problematic behavior is observed that rises to a level where it is affecting the officer's ability to perform their job duties, the supervisor will prepare and submit a written report to their Lieutenant and the appropriate Deputy Chief requesting administrative intervention.

1001.6 DULUTH POLICE OFFICER RESPONSIBILITIES

a. Officers are encouraged and entitled to seek confidential assistance from the department and/or the Employee Assistance Program to prevent a problem from escalating to the level of criminal conduct.

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b. Officers who engage in any of the following will be subject to an administrative and/or criminal investigation:

- Failure to fully document, report, or investigate an allegation of domestic abuse involving a police officer that is brought to their attention.
- Failure to cooperate with the investigation of a police officer involved domestic abuse incident.
- Interference with cases involving themselves or fellow officers.
- Intimidation/coercion of witnesses, victims, or investigating officer(s);
- Any employee who threatens harasses, or abuses someone using this department's resources such as work time, workplace telephones, fax machines, mail, e-mail, or any other means shall be subject to corrective or disciplinary action.

c. Officers who learn they are the subject of a criminal investigation regardless of jurisdiction are required to immediately notify their supervisor and provide copies of notice of the court date and time, appearances and proceedings.

d. Officers who learn they are the subject of a protective order, regardless of jurisdiction, shall immediately notify their supervisor and provide the department a current and complete copy of the order.

e. Employees of this Department will not accompany law enforcement officers or employee suspects to any domestic related court proceedings while on duty unless subpoenaed to appear or ordered to do so by their supervisor. If appearing while off duty they will neither carry nor display any department equipment, to include assigned firearms or insignias on their person, concealed or not. An officer's mere presence in domestic violence related actions may appear intimidating to a victim.

1001.7 VICTIMS OF DOMESTIC VIOLENCE WHO ARE OFFICERS

The department does not require any employees who are victims of domestic violence to report even if the abuser is an employee with this Department. However, they are strongly encouraged to make contact with the Employee Assistance Program and/or a domestic violence advocacy group for assistance. Officers who are victims of domestic violence may choose not to cooperate in an investigation in which they are the alleged victim.

a. Officers and/or Department members are encouraged to notify their supervisor as soon as practical if they become the petitioner of a protective order:

- to have the ability to plan in advance for the protection of the employee at the work place, such as; coming to and leaving work and limiting access to the respondent of the secure areas of the work place;
- to ensure the safety of all Department employees.

1001.8 INCIDENT RESPONSE PROTOCOLS

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1001.8.1 DEPARTMENTAL RESPONSE

- (a) All reports of potential criminal activity implicating police officers in domestic abuse shall be documented in accordance with state statute and department policies governing the handling of any domestic abuse situation.
- (b) A copy of the report detailing the potential criminal activity implicating an officer in domestic abuse shall be directed to that officer's Division Lieutenant and the appropriate Deputy Chief.
- (c) All investigations shall be in accordance with the employee's labor contract and constitutional rights. Accused employees/officers will be treated with respect and in a manner that maintains the integrity of the administrative and criminal investigations. The Department will adhere to and observe all procedures to ensure the accused departmental, union, and legal rights are upheld during these investigations.

1001.8.2 PATROL RESPONSE

- (a) Upon arrival on the scene of a domestic abuse incident involving a police officer, the arriving officers shall, as soon as practical, request that a supervisor be sent to the scene, regardless of whether the involved officer is a member of the Duluth Police Department or another law enforcement agency. In the case of involvement by a member of the Duluth Police Department, the responding supervisor will be of a rank superior to that of the involved officer.
 - The responding officers shall perform all duties related to the investigation of Domestic Abuse as prescribed in Policy 320.
 - Officers shall follow all necessary steps outlined in Policy 320 to ensure the victim's safety and protection.

1001.8.3 ON-SCENE SUPERVISOR RESPONSE

- (a) A supervisor shall report to the scene of all police officer domestic abuse situations, regardless of the involved officer's jurisdiction and ensure the following:
 - the responding supervisor shall ensure all guidelines regarding Policy 320 are followed;
 - in cases where probable cause is present the on-scene supervisor shall ensure an arrest is made;
 - whenever a Duluth Police Officer is arrested, the supervisor shall relieve the accused officer of all service weapons, ID card, and badge;
 - if the officer has left the scene prior to police arrival the supervisor will take possession of the officer's department issued duty weapon if the access to the weapon can be legally obtained;
 - the supervisor shall leave a report of the incident and shall include whether or not the officer was arrested and shall include an explanation of that decision;

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- the supervisor shall as soon as practical notify the involved officer's Lieutenant and the appropriate Deputy Chief of the incident; and
 - take steps to protect the confidentiality and privacy of the victim.
- (b) The on-scene supervisor shall ensure the victim is informed of or provided the following:
- availability of an on-scene advocate;
 - confidential transportation to a shelter or other location for safety;
 - procedures for obtaining an Order for Protection;
 - judicial process and victim rights;
 - written Information on community resources and local domestic violence victim advocacy organizations;
 - all other notifications as required by law.
- (c) Additional Critical Considerations:
1. When responding to a domestic abuse incident involving a police officer from another jurisdiction, the same procedures as those set out by this policy shall be followed. The supervisor shall notify the highest ranking member of the accused officer's department or their designee. All notifications and attempts to notify shall be fully documented.

In the event that the reportable domestic abuse incident involves a command staff member of the Duluth Police Department, or a supervisor for whom a supervisor of superior rank cannot be located for response to the scene, the supervisor shall request the St. Louis County Sheriff's Department for response to the scene.

In responding to domestic abuse situations where the victim is a police officer, standard domestic abuse response and investigation procedures should be followed.

In responding to domestic violence incidents where the parties involved are both police officers this policy will be followed. After probable cause and issues of self defense and/or the predominant aggressor have been determined, an arrest shall be made within statutory guidelines.

1001.8.4 DEPARTMENT FOLLOW-UP

- (a) Given the circumstances of the incident and to prevent the appearance of a conflict of interest, the investigation may be turned over to an outside agency. This decision will be made by the Patrol Division Deputy Chief or designee.

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- (b) The Patrol Division Deputy Chief or designee shall ensure that officers who responded to a police officer domestic abuse call are debriefed in a timely manner. The debriefing shall include the following:
 - o A review of department confidentiality guidelines.
 - o A direct order prohibiting discussion of the incident outside of the official inquiry.
 - o A clear delineation of assignments.

1001.9 POST-INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

The department shall conduct separate administrative and criminal investigations of alleged incidents of police officer involved domestic abuse in a manner that maintains the integrity of both investigations. If the facts of the case indicate that domestic abuse has occurred or any departmental policies have been violated, administrative action may be taken separately and distinct from any criminal proceedings.

The department will adhere to all necessary protocols to ensure an accused officer's departmental, union and legal rights are upheld during the administrative and criminal investigations. Pending the administrative and criminal investigations for alleged acts of domestic abuse and/or violation of departmental policies, the department may assign the accused officer to administrative duties, or place them on paid administrative leave.

1001.9.1 ADMINISTRATIVE INVESTIGATION

- (a) The responsibility to complete the administrative investigation of a police officer domestic abuse incident will be assigned by the Administrative/Investigative Deputy Chief or his/her designee. The Deputy Chief may also ask an outside agency to conduct the administrative investigation.
- (b) When an investigation of an incident reveals officers who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate the actions of those officers.

1001.9.2 CRIMINAL INVESTIGATIONS AND DECISIONS

- (a) The Deputy Chief may request an independent agency to conduct the criminal investigation. If the investigation will be conducted by the Duluth Police Department the responsibility will be assigned by the Deputy Chief, or their designee.
- (b) If additional criminal activity is found to have occurred it shall be documented separately, assigned a case number, and investigated thoroughly.
- (c) The department shall completely investigate the charges and where warranted, seek prosecution even if the victim recants or declines to cooperate.

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1001.9.3 VICTIM SAFETY AND PROTECTION

- (a) The Department shall work with community resources and advocacy agencies to provide families, and children with access to appropriate services;
- (b) All victim information shall be kept confidential in accordance with data privacy laws (Chapter 13);
- (c) As soon as possible following an officer involved domestic violence incident the electronic case file should be protected and only accessible to the investigative team.

1001.10 DISCIPLINARY PROCEDURES

- (a) If there is just cause to discipline an officer, the appropriate Deputy Chief will do so in accordance with department practice and state law.
- (b) Federal law prohibits the purchase and possession of firearms and ammunition by persons who have been convicted in any court of a "misdemeanor crime of domestic violence" and/or who are subject to certain domestic violence protective orders. 18 U.S.C. § 922(g) (8-9). The department shall ensure compliance with Federal law.

1001.11 REFERENCE

- (a) Policies:
 - 320
- (b) Statutes:
 - M.S. §518B.01; §609.06, Subd. 1; §609.2242; §609.2247; §609.341- 345; §609.713; §609.731; §609.78; §611A.36, Subd. 2; §243.166, §244.052, §344.053, §253B.18, §253B.185, Chapter 13, US Code, Title 18, Part I, Chapter 44, §922

Peer Support

1002.1 PURPOSE AND SCOPE

The Duluth Police Department's most valuable resource is its members. The Duluth Police Department has recognized the value of providing a way for members to deal with personal and/or professional matters. This program offers a non-professional (peer) support program in addition to the current professional Employee Assistance Program (EAP). The Peer Counseling Program offers assistance and appropriate support resources to employees when personal or professional matters may negatively affect their work performance, family unit or self. This assistance is protected as private data consistent with MSS 13.43 subd. 9, 11 and is privileged in accordance with 181.973. The Peer Counseling Program's goal is to assist peers with stresses caused by personal and/or professional problems and help them to continue to be productive.

THE GOALS AND OBJECTIVES OF THIS PROGRAM ARE AS FOLLOWS:

- Provide personnel to **listen, assess, support** and whenever necessary, **refer** for professional assistance. Department members experiencing difficulty during or after personal or professional stressors.
- Promote trust, allow appropriate anonymity, and preserve confidentiality for persons using peer counselors within the guidelines of the program.
- Develop peer volunteers who can help identify personal conflicts and provide guidance or referrals to professional/alternate resources as required or requested.
- Support department members when requested, especially during times of tragedy or critical/traumatic incidents, and make appropriate referrals to professional resources as needed.

1002.2 DUTIES AND RESPONSIBILITIES

Peer counselors operate within the Peer Support Team and provide support and assistance to department members in a time of stress and crisis. Team members' responsibilities are as follows:

- Convey trust, anonymity and assure confidentiality to department members who seek assistance from the Peer Support Team.
- Attend the Peer Support Team 3-day training and periodic training thereafter.
- Provide assistance and support on a voluntary basis.
- Assist the department member by referring him/her to the Employee Assistance Program (EAP) or appropriate outside resources when necessary.
- Be available to the department member for additional follow up support as needed/requested.
- Maintain contact with the Peer Support Steering committee regarding program activities. The Peer Support Team Steering committee may gather or record the number of contacts the team makes.
- Team members will agree to be contacted and, if practical, respond at any hour.

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- Team members are encouraged to consult with the Peer Support Program Clinical Director/Consultant for assistance in assessing presenting concerns of department members, discussing potential interventions, resources, referrals as well as self-care concerns.
- Team members must consult with the Peer Support Program Clinical Director/Consultant whenever they believe that privilege or confidentiality should be breached or if they are uncertain whether or not to do so. In the case of emergency matters or exigent circumstances the team member must contact the Peer Support Program Clinical Director/Consultant after they have made a mandated report.

1002.2.1 ROLE OF THE PEER SUPPORT TEAM STEERING COMMITTEE

The Peer Support Team Steering Committee acts as a liaison between the peer counselors, resource persons, Peer Support Program's Clinical Director/Consultant, department members and command staff. The Peer Support Team Steering Committee acts as the policy setting board for the team's operation and future direction, subject to review and approval by the Chief-of-Police. The committee serves as the link to ensure that the Peer Support Team is being managed by the members in accordance with the goals and the objectives established for the program.

Membership of the Peer Support Team Steering Committee consists of four Peer Counselors from the Duluth Police Department. The committee members should reflect gender, rank, and assignment diversity (sworn/non-sworn, patrol/ investigations/ administration/supervision, etc). The committee members shall be selected by current peer counselors and shall serve two year terms, two elected every year beginning in 2015. Steering Committee members may not serve more than three successive terms after 2015.

Major duties of the committee members include those of team members as well as those listed below:

- Work with the Clinical Director/Consultant in coordinating the peer support program.
- Recruiting and coordinating the screening of Peer Support Team applicants.
- Coordinating training for the team.
- Developing resources to assist individuals when problem areas are identified.
- Monitor and help insure that self-care remains paramount for peer support team members.
- Assist in maintaining only statistical data or reported contacts by peer support team members.

1002.2.2 ROLE OF THE PEER SUPPORT PROGRAM CLINICAL DIRECTOR/CONSULTANT

- Be a permanent member of the Peer Support Team Steering Committee.
- Be the primary liaison for matters regarding the Peer Support Program and the Duluth Police Department Employee Assistance Program.
- Design peer support training curriculum and teach peer counselors basic and continuing (updated) curriculum.

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- Coordinate follow-up care/response as needed.
- Be available to provide consultation and supervision to team members.

1002.3 REGULATIONS OF PEER SUPPORT COUNSELOR ASSIGNMENT:

- Peer counselors may voluntarily withdraw from participation at any time. They are, however, required to notify the steering committee.
- Peer support team members will be removed from participation in the program for conduct inconsistent with program policy and objectives.
- All peer counselors serve at the direction and discretion of the Peer Support Team Steering Committee and can be removed at any time for cause.
- Peer counselors will be removed from participation in the program if updated department sponsored or approved training is not attended at least once per year.
- Participation in the program is voluntary and no overtime or compensatory time will be authorized for time expended performing peer support duties- unless authorized by a Duluth Police Department supervisor.
- The peer support team is authorized to use department facilities to meet with department members as necessary.
- Team members are permitted to consult with employees on duty provided it does not infringe upon their assigned duties. If supervisor permission is needed, no names or personal identifiers will be given to the supervisor.

1002.4 REFERRALS/ACTIVATION OF SERVICES:

Referrals/Activation to the Peer Counseling Program can originate in a variety of ways. The primary goal of any referral is to assist department members in dealing with problems which are the result of domestic, financial, health, personal, or job related difficulties and to enable department members to recognize and resolve unfavorable reactions to negative situations or stress.

Referrals/Activation may occur as follow:

- A department member may personally contact any Peer Support Team member for referral to either professional counseling or a Peer Support Team member.
- Any department member aware of another member who may need assistance can initiate a referral by contacting any Peer Support Team member, or Duluth Police Department Supervisor. The referred employee will be contacted to assess their receptiveness to Peer Support intervention.
- Supervisory personnel are highly encouraged to recommend a Peer Support Team member to department members when appropriate. It must be understood that this support is voluntary and that a member cannot be ordered to participate. The department member shall be assured that the consultation has been arranged solely for his/her benefit and will be confidential.
- **Referrals to the Peer Counseling Program shall not be used as disciplinary sanction.**

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- A family member or associate of a department member may make a referral, in which case, also, the member's participation is voluntary.

1002.5 CONFIDENTIALITY:

The acceptance and success of the Duluth Police Peer Counseling Program will be determined, in part, by observance of confidentiality. It is **IMPERATIVE** that each peer support team member maintains strict confidentiality of all information learned about an individual or their circumstance within the guidelines of this program.

Members must remain vigilant that anything they say, regardless of whether it was learned while acting as a peer counselor or not, may be construed as having originated during a peer support contact.

The policy of the Duluth Police Department Peer Counseling Program is to maintain the confidentiality of participants. Communication between a peer and a peer counselor is considered confidential (MSS 13.43 and 181.973) except for matters which involve the following

- Danger to self or others.
- Suspected abuse, neglect or exploitation of a child (MSS 626.556).
- Suspected abuse, neglect or exploitation of a vulnerable adult (MSS 626.557 and 626.5572)
- In cases where the law requires or mandates disclosure or reporting.
- Where divulgence is requested by the peer.

A general principle for peer counselors to follow is to inform the person (peer), prior to discussion, what the limitations and exceptions are regarding the information revealed. In cases where a question regarding confidentiality arises, the peer counselor must immediately contact the Peer Support Program Clinical Director/Consultant for direction. Peer Support Team members found violating privilege or confidentiality with respect to their duties as a peer counselor will be immediately removed from the team. Issues of mandatory reporting are not applicable to this section.

1002.6 INCIDENTS ACTIVATING PEER SUPPORT DIFFUSING AND PEER SUPPORT COUNSELOR CONTACT

The below is a list of incidents that activate the Peer Support Team. The circumstances of the incident determine if a member of the Peer Support Team making contact with the officer(s) involved, or an organized diffusing is appropriate. This list is not all inclusive, and many incidents overlap.

Peer Support Counselor Contact

- Being the victim of an assault while on duty
- Administering CPR or other life saving measures on another
- Automobile crash involving multiple vehicles (4 or more)

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- Officer involved automobile crash without injuries
- Officer threatened with a gun while on duty
- Sexual assault of a child or adult
- Being threatened by citizen or suspect while on duty
- Having a family or loved one threatened by a citizen or suspect
- Exposure to a communicable disease
- Child neglect, endangerment, or abandonment
- Involvement in a high speed chase
- Observing another dying
- Making a death notification
- Animal neglect, tortured, or killed
- Officer or civilian threatened or attacked by a dangerous animal
-

Diffusing

- Serious assault - substantial bodily harm or greater (civilian or officer)
- Serious injury to an officer (non-assault)
- Automobile crash with serious injury or death
- Officer involved automobile crash with injury or death
- Death scene/death investigation without obvious signs of a crime (child incidents are top priority)
- Death scene/death investigation with obvious signs of crime (child incidents are top priority)
- Response to a shooting with or without injuries or resulting in death
- Officer shot or shot at while on duty
- Officer involved in a shooting with: injury to the subject; no injury to the subject; death of the subject
- Line of duty death
- Response of natural disaster
- Response to explosion or toxic release of chemicals

CALEA 22.1.4, 22.1.7

Department Enrichment Exchange Program

1003.1 PURPOSE AND SCOPE

The purpose of the Department Enrichment Exchange Program (D.E.E.P. formerly P.E.P.) is to provide officers with an opportunity to become more familiar with investigative functions performed by units outside the Patrol Division. The Department Enrichment Exchange Program offers officers an opportunity to build their investigative skills and increase their confidence level.

Career enrichment increases organizational and employee productivity and proficiency, satisfying the needs of the employee and the department. Officers who possess a broader view of the department's mission will have a better understanding of their role in the organization, and of the importance of their role.

1003.2 PARTICIPATION AND ELIGIBILITY

Officers must have a minimum of two years' experience with the Duluth Police Department to be eligible for D.E.E.P. Officers make application for a D.E.E.P. rotation by submitting a written request to their unit leader.

The affected patrol unit leaders and the divisional deputy chiefs will review the requests and select officers for a D.E.E.P. rotation. Field training officers and senior officers will be given first consideration.

1003.3 STRUCTURE

(a) Time Table

- D.E.E.P. rotations occur as Department staffing levels allow. D.E.E.P. rotations vary in length from 800 hours (20 weeks) to 1200 hours (30 weeks). Extensive leaves or time off during a D.E.E.P. assignment is discouraged.

(b) Training

- Prior to beginning their assignment, D.E.E.P. officers will receive a week of investigative orientation training. Training topics include: interview and interrogation, search warrants, search and seizure, and written statements.

(c) Assignments

- Officers may be assigned to the following units, for varying lengths of time, depending upon the goals and objectives of their D.E.E.P. assignment:

Violent Crimes Unit,

Property Crimes/Financial Crimes Unit,

Crime Scene Investigations,

SCAN Unit

Family Crimes Unit,

SIU/GSF, and

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Department Enrichment Exchange Program

Crash Investigations

- (d) Scheduling
 - Officers assigned to D.E.E.P. work a schedule consistent with the unit to which they are temporarily assigned.
- (e) Attire
 - D.E.E.P. officers are to observe the non-uniform dress code when rotating through a non-uniform unit (Policy 1013 - Uniform Regulations).
- (f) Supervision
 - Investigative unit leaders are responsible for supervising officers assigned to their unit on a temporary D.E.E.P. rotation. As appropriate, investigative unit leaders should assign a secondary investigator when a D.E.E.P. officer receives a case assignment which they may not have time to complete.

1003.4 OBJECTIVES

D.E.E.P. officers will have opportunities to observe and conduct various investigative activities and duties. These experiences should lead to the achievement of the following objectives:

- understand the importance of complete, concise and accurate initial reports;
- have the ability to prepare detailed crime scene documentation;
- learn how to use photographic and in-person line-ups for suspect identification;
- conduct suspect interrogations in a custodial and non-custodial setting;
- demonstrate proper evidence collection, packaging, processing and analysis routing;
- evaluate initial reports for continuing investigation;
- identify and utilize information and data resources used by investigators to develop or expand leads;
- demonstrate ability to complete thorough case notes and investigative reports;
- demonstrate knowledge of, and ability to, make necessary and appropriate referrals to other agencies (schools, social services, medical, etc.);
- understand classes of data, which will enable them to make correct judgments when releasing data;
- developing understanding of specialized equipment used to support the investigative function;
- knowledge of search warrants, to include writing and execution of warrants
- demonstrate ability to complete a criminal investigation to include preparing a case for presentation to the prosecuting attorney and court testimony.

Investigative unit leaders should structure D.E.E.P. work assignments to ensure the unit rotation provides a meaningful work experience which supports the program objectives.

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Department Enrichment Exchange Program

1003.5 EVALUATION AND DOCUMENTATION

Evaluations should focus on the officer's work experiences and the learning value of the rotation; identifying how the rotation helped meet the program objectives and the officer's individual expectations and objectives.

The evaluations are not intended for evaluation of individual unit members, leaders or of the unit operations. The Officer Development Unit creates and retains the evaluations.

Internal Investigations

1004.1 PURPOSE AND SCOPE

This order establishes a department procedure for the initiation and investigation of complaints involving any employee of the Duluth Police Department. The purpose of this policy is to provide citizens with a fair and effective avenue to voice their grievances against the actions of the Police Department.

It is the policy of this department to investigate all allegations of crime and misconduct concerning department employees. Complaints and allegations will be accepted from any source including internal, external and anonymous sources.

All information obtained must be treated confidentially. The release of information will be in accordance with the Minnesota Data Practices Act and other applicable statutes.

ACCEPTANCE OF COMPLAINTS

All complaints will be courteously accepted by any employee and promptly given to their Lieutenant. The Lieutenant will immediately forward complaints to the Professional Standards Lieutenant for investigation. Although written complaints are preferred, a complaint may also be filed verbally either in person, by email or by telephoning the department and will be accepted by any employee. The receiving employee shall obtain contact information to include name and phone number. If offered by the complainant the employee will take any details offered regarding the complaint for the Lieutenant to begin the investigation process. These details may include but not be limited to date, time, location, allegation and parties involved if the complainant is willing to provide this information. The Lieutenant will re-contact the complainant for further details if needed. Once the complaining individual has contacted the department it is the department's responsibility to contact the reporting party. When possible the Lieutenant or supervisor should respond immediately to take the complaint from the complainant. The Lieutenant, upon having sufficient details of the complaint, shall complete and submit an entry in the complaint database and notify the Administrative Lieutenant about the complaint's existence.

All employees are required to explain the complaint procedure to citizens upon request.

1004.1.1 OBJECTIVES

- (a) Protection of the public: the public has every right to expect efficient, impartial public service. Any misconduct by the department or its employees must be detected, investigated and appropriate measures taken to correct it.
- (b) Protection of the police department: the police department is evaluated and judged by the conduct of its employees. It is imperative that the entire organization not be subjected to public censure because of an individual employee.
- (c) Protection of the officer: officers have an expectation of due process during discipline and will be provided the rights afforded them in the union contract, state, federal and applicable case law.

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Internal Investigations

- (d) Responsibility to accept complaints: every member of the department has the responsibility, authority and duty to accept citizen complaints concerning the department or individual employees of the department. Failure of an employee to accept a complaint may result in discipline.
- (e) If it is discovered that the investigation was the result of an intentional false report of police misconduct the reporting person may be criminally charged (MSS 609.505)

Employees receiving a complaint are prohibited from discussing the matter with anyone other than the individual to whom the complaint is referred and the person assigned to investigate the complaint.

1004.1.2 DEFINITIONS

- (a) Non-disclosure order: a written order prohibiting discussion of the incident under investigation with other department employees, with the exception of Union representatives, clergy, attorneys, physicians and counselors.
- (b) Final discipline: final discipline occurs in accordance with MN SS 13.43, Subd. 2(b): a final disposition occurs when the government entity makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the government entity, or arbitrator. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. A disciplinary action does not become public data if an arbitrator sustains a grievance and reverses all aspects of any disciplinary action.
- (c) Complaint: an allegation of misconduct on the part of an employee of the police department that violates department policy and/or procedure.
- (d) Statement of Allegations/Rights: a written notification of the allegations and investigation into a complaint as well as an employee's rights and responsibilities.
- (e) Misconduct: an action or omission by an employee that is not in conformance to laws, city/department policies, or union contracts.
- (f) Disciplinary action: verbal reduced to writing, written reprimand, suspension, demotion or termination.
- (g) Formal statement: a recorded interview of an employee taken as part of an administrative investigation which could result in discipline regarding the employee.
- (h) Administrative hearing: (Loudermill Hearing) a meeting involving the employee, union representation if desired, and the Lieutenant, Deputy Chief, or Chief who has been predetermined to review the summary of the administrative investigation, allow the employee to provide a voluntary statement, and determine a finding and final discipline (Section 1004.6).
- (i) Finding: a determination that the allegation is unfounded, the employee is exonerated, the allegation is not sustained, the actions occurred, but is the result of a policy failure, or the allegation is sustained (Section 1004.7).

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- (j) Disposition: the course of action taken at the conclusion of the administrative hearing after determining the finding. Dispositions, in order of severity, include advising, counseling, training, coaching, verbal reduced to writing, written reprimand, suspension, demotion, termination.
- (k) Administrative leave: paid leave which does not indicate an employee is guilty of misconduct.

1004.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS AND COMPLIMENTS

AVAILABILITY OF COMPLAINT/COMPLIMENT FORMS

Personnel complaint/compliment forms can be found at the Public Safety Building and all police substations as well as by going online to the Duluth Police website.

The Professional Standards Lieutenant shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Deputy Chief of Patrol or Investigations any suggestions for improvement or changes.

SOURCE OF COMPLAINTS

Complaints will be accepted by the following:

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee.
- (c) Anonymous complaints and third-party complaints should be accepted and investigated.
- (d) A complaint received by the Minnesota POST Board alleging a violation of a statute of rule that the board is empowered to enforce (Minn. R. 6700.1600)
- (e) If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations. **Article 35.1 from Police Union Contract:** employees shall have the right to a Union representative present during all disciplinary proceedings or hearings conducted by the Chief or his or her authorized representative which may result in any disciplinary action.

COMPLAINT DOCUMENTATION

Complaints alleging violations of Department policy which do not constitute a crime, a breach of civil rights, or serious or repeated infractions may be handled by the employee's Lieutenant after the Professional Standards Lieutenant has investigated the allegation, and it has been determined that the complaint does not warrant discipline. All complaints regardless of outcome will be documented in the department's internal affairs database to include summary/conclusion of facts, investigative steps taken and disposition. The Professional Standards Lieutenant or designee must gather sufficient information to determine the facts and determine a finding. All complaints are documented in writing and maintained in the department's complaint database. Sustained

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complaints are then incorporated into the employee's next regular evaluations. Complaints which cannot be sustained (unfounded, exonerated, not sustained, policy failure) are also retained in the department's complaint database. Sustained complaints resulting in discipline will also be maintained in the employee's personnel file in the City's Human Resources office. The Officer Development Unit will initiate efforts to revise policies if the finding is a policy failure.

Complaints will be investigated in a timely fashion and be completed within sixty days from receipt of the complaint. If more time is needed, a request for a sixty day extension, will be submitted by assigned investigator to the Deputy Chief of Investigations. This extension will be documented within the complaint database.

1004.3 PROFESSIONAL STANDARDS LIEUTENANT RESPONSIBILITIES

Once the decision has been made to initiate an internal investigation, a determination must be made whether the investigation is criminal or strictly an administrative investigation. It is generally advisable to conduct and complete a criminal investigation prior to beginning an administrative investigation. An infraction which cannot be handled under Section 1004.2 yet does not constitute a potential crime, requires an administrative investigation. **All criminal investigations are followed by an administrative investigation.**

The conduct and disposition of the investigation depends on its classification. Information gained in an administrative investigation cannot be used in criminal proceedings. Information gathered in a criminal investigation can be used in an administrative investigation. Therefore, the criminal investigation is conducted first, followed by the required administrative investigation.

The Professional Standards Lieutenant advises the Deputy Chief of the involved division and can report complaint investigation information to the Chief of Police when appropriate. The Deputy Chief of the involved division is responsible for notifying the Chief in a timely fashion. The Chief of Police will be notified in a timely fashion for any complaint likely to result in discipline of a suspension or higher. If an immediate action such as placing the employee on administrative leave is necessary, the decision is made by a member of the Command Staff.

The Professional Standards Lieutenant, or Professional Standards Sergeant, issues a control number. Control numbers are maintained by the complaint database. The Professional Standards Lieutenant assigns an Investigator. The Investigator may be the Administrative Sergeant or employee's Lieutenant, the Administrative Lieutenant, or an Investigator from outside the department. Control numbers consist of the year the complaint was received followed by a number.

The Professional Standards Lieutenant notifies the complainant in writing, with a statement of allegations/rights, that the complaint has been received and is being investigated. If the investigation is protracted the Lieutenant will contact the complainant on an appropriate basis. The Professional Standards Lieutenant notifies the complainant in writing and by phone of the completion and disposition of the investigation.

All documents related to the investigation are stored by the Professional Standards Lieutenant and their designee. They are released only in accordance with Data Practices. (This does not preclude

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the assigned investigator of having necessary copies of documents, which must be securely filed at all times.)

1004.4 GUIDELINES FOR CRIMINAL INVESTIGATIONS

It is the responsibility of the investigator to notify the affected employee in writing that they are the subject of an internal criminal investigation. Out of consideration for the employee, notification, in person, will be attempted prior to the employee receiving written notification. Written notification must consist of a statement of the allegations and the employee's rights. Notification may be delayed if it will compromise the investigation.

Guidelines:

- (a) If there is probable cause to make a custodial arrest serious consideration must be given to placing the employee on administrative leave, regardless of whether or not an arrest is made. Allegations of a serious nature where probable cause to arrest does not exist may still require that the employee be placed on administrative leave. The decision to place an employee on administrative leave rests with a member of the Command Staff.
- (b) In order to protect the accused, all internal criminal investigations should be conducted promptly and as confidentially as reasonably possible. The Professional Standards Lieutenant is routinely advised of progress and developments in the investigation.
- (c) The investigation must be conducted within the same constitutional parameters as any other criminal investigation. The employee is presumed innocent until evidence proves otherwise.
 - 1. Prior to questioning, if the employee is being detained they must be advised of their Miranda rights. If the employee is not being detained, they must be advised that they are free to leave and that no disciplinary action will result from their refusal to answer questions. If the employee under investigation is ordered to complete a report on the incident, it is not a voluntary statement and cannot be used in a criminal proceeding. The employee has the right to be represented by counsel, and may have a right to Union representation.
 - 2. Any search and seizure of evidence must be in accordance with current case law. Search warrants should be seriously considered to ensure the admissibility of the evidence seized. Consideration should be given to sealing the search warrant when it is filed. Exception: perishable evidence that is to be used later in an administrative investigation can be seized from the employee on city property. Evidence obtained in this manner cannot be used for criminal prosecution.
 - 3. Unless the employee initiates the request, no polygraph can be administered, requested or suggested.
 - 4. Physical and photo lineups may be conducted within current court guidelines. Caution should be taken to avoid using other police officers, uniformed or plain clothes, in a lineup with a department employee.
- (d) If a delay would harm the investigation, the employee's Lieutenant should begin the investigation.

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- (e) Recorded statements should be taken whenever possible, if the employee is not being detained. The employee is not prohibited from taping the interview.
- (f) In all instances of alleged criminal activity where charges may result, the investigator must inform and frequently consult with the appropriate prosecuting authority. The need to inform and consult with the prosecution takes precedence of confidentiality. Upon completion of the investigation the case is reviewed by the appropriate prosecutor. The charging decision, or decision not to charge, is made by the prosecutor.
- (g) The department will utilize the Minnesota Bureau of Criminal Apprehension (MN BCA) for all criminal investigations of officers that fall under their preview (MN 609.066, 299C.80). The department may utilize the MN BCA for other criminal investigations of officers if deemed appropriate.

Administrative investigations are conducted anytime a criminal investigation has been initiated.

1004.5 GUIDELINES FOR ADMINISTRATIVE INVESTIGATIONS

Administrative investigations are conducted for alleged non-criminal misconduct which cannot be handled under Section 1004.2 of this chapter, and subsequent to criminal prosecutions, or the decision not to prosecute. The Professional Standards Lieutenant or their designee will conduct the administrative investigation, the administrative hearing will be conducted by the Chief, Deputy Chief or Lieutenant. The person conducting the administrative hearing is not involved in the day to day discussions and decisions necessary to conduct the investigation. The purpose of this is to maintain the integrity of the process. This prevents them from learning information that is not pertinent to the investigation, or improperly obtained. The person conducting the administrative hearing is given a summary at the conclusion of the investigation to make the determination of findings and disposition (Section 1004.6).

It is the responsibility of the assigned investigator to notify the affected employee in writing that they are the subject of an internal administrative investigation. Out of consideration for the employee, notification in person will be attempted prior to the employee receiving written notification. Notification must include a notice of the investigation, identity of the assigned investigator, notice of the employee's right to representation, a reference to the employee's labor contract, the rule, law, policy, etc. that is alleged to have been violated and a non-disclosure order. The notification must be made before the employee's formal statement can be taken. notification may be delayed if it will compromise the investigation.

Guidelines:

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Investigations will be conducted in compliance with the Police Officers Disciplinary Procedures Action (MN Statute 626.89)

- (a) In order to protect the accused, all administrative investigations must be conducted as confidentially as possible.
- (b) The department must receive a written, signed complaint prior to taking an employee's formal statement. Any department member can sign the complaint. An investigation need not be delayed awaiting a signed complaint. The only delay necessary is in the taking of the subject employee's formal statement.
- (c) Constitutional guarantees associated with criminal investigations do not generally apply to administrative investigations. The employee is presumed innocent until a preponderance of evidence proves otherwise. All employees must be treated with respect and dignity.
 1. Notification of a formal interview shall be in writing from someone in the involved employee's chain of command, this "Order to Appear" notifies the employee of the date, time and location of the interview. Notification will advise the employee of their right to union or legal representation. The union president will also be notified prior to the employee interview. Prior to interviewing the employee, the employee must read and be read the Garrity/Tennessee Advisory in its entirety. The Garrity portion of the advisory notifies the employee that they are required to provide all job related information requested and that the information from the interview cannot be used in a criminal proceeding. (The statement is not voluntary which prevents it from being used in a criminal proceeding.) Failure to answer the questions is considered gross insubordination and may result in disciplinary action up to, and including, termination. The Tennessee portion of the advisory informs the employee of the persons that may have access to the information provided during this compelled interview. The investigator is required to audio tape any formal statement taken.
 2. An employee's formal statement should be taken at a department facility whenever possible. When not taken at a department facility, the location must be agreed upon by both the investigator and the employee.
 3. When possible, an employee's formal statement should be taken during scheduled work hours. The session at which the statement is taken should be of reasonable durations and provide the officer with reasonable periods of rest and personal necessity.
 4. Rules of evidence generally do not apply to administrative investigations. The employee must provide all germane evidence requested as allowed by law. Refusal to do so constitutes gross insubordination and may result in disciplinary action up to, and including, termination. While the investigator may have a need to seize evidence from the employee on city property, such action is rarely necessary and should be employed with caution and reason.
 5. The employee can be ordered to participate in a lineup. Photo lineups may also be used. Other department employees should not be used in physical or photo lineups, unless absolutely necessary.

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- (d) A polygraph examination cannot be suggested, requested, or administered unless the employee initiates the request.
- (e) No disciplinary order or written reprimand may be included in the employee's personnel file unless the employee has been given a copy and the appeals process has been exhausted or expired.
- (f) If the misconduct is serious enough, the employee may be placed on administrative leave by a member of the Command Staff.
- (g) The Professional Standards Lieutenant must be continually informed on the progress of the investigation by the investigator.
- (h) The Chief of Police may require an employee to submit to any of the following tests, disclosures or searches when the test, disclosure or search is specifically directed and narrowly related to an internal administrative investigation regarding the employee. Failure to follow a direct order of this nature may result in a separate disciplinary action against the employee up to and including termination. Employees are required to submit to the gathering of non-testimonial evidence, including, but not limited to the following:
 - Medical, psychiatric, psychological, or laboratory examination for the employee
 - Breathalyzer testing, if intoxication is suspected
 - Search of City property
 - Written reports as required
 - Photographs of the employee
 - Examination of firearms
 - Participation in a lineup
 - Financial disclosure statements by the employee
 - Handwriting samples
 - Fingerprints
- (i) Upon completion of the investigation, a summary/statement of facts is provided to the person pre-determined to conduct the administrative hearing (Section 1004.6). The file is stored by the Professional Standards Lieutenant and the Executive Administrator of Police and access to it is controlled by Data Practices.

1004.6 DISCIPLINE PROCESS

Criminal and administrative investigations (Sections 1004.3, 1004.4, 1004.5) require a finding and disposition by the person designated to conduct the administrative hearing (Loudermill Hearing). The person conducting the administrative hearing reviews the summary of the investigation, prior discipline, and the employee development reports concerning the employee. Subsequent to determining a discipline the employee is offered an opportunity to make a voluntary statement. Prior to making a voluntary statement the employee and the union representative are provided

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with all information relevant to the investigation. Discipline is determined after the employee has been offered the opportunity to make a statement, or if the information provided by the employee warrants the person conducting the hearing to direct more investigation into the information provided by the employee. The finding and disposition are documented in the employee's file. The information and its release are controlled by data practices.

1004.7 DISPOSITION OF ADMINISTRATIVE INVESTIGATIONS

- (a) Unfounded - the allegation is false or not factual.
- (b) Exonerated - the allegation is true, but was consistent with policy.
- (c) Not Sustained - there is insufficient evidence to prove or disprove the allegation.
- (d) Policy Failure - the action is not a violation of policy, but the policy is not adequate.
- (e) Sustained - the allegation is supported by sufficient evidence.

Dispositions

Generally, disciplinary action should be progressive in nature; however, depending on the conduct, circumstances and need for corrective action, one or more of the following course of action should be taken. Disciplinary action taken should be accompanied by appropriate training.

Dispositions in ascending order:

- (a) Advising - unit leaders have the responsibility and authority to immediately correct improper behavior by verbally informing the employee and explaining the proper behavior.
- (b) Coaching/Counseling - unit leaders have the responsibility and authority to counsel an employee when a more serious or ongoing performance problem is encountered. Counseling information should be documented and retained by the unit leader.
- (c) Training - unit leaders have the responsibility and authority to recommend and/or arrange training to correct more serious or ongoing employee performance problems. Arrangements for training should be made by the unit leader through the Officer Development Unit.
- (d) Verbal Reduced to Writing - unit leaders have the responsibility and authority to issue a verbal reprimand, reduced to writing, for a more serious breach of conduct, or after counseling and training have failed to correct a performance or behavioral problem.
- (e) Written Reprimand - Lieutenants have the responsibility and authority to recommend a written reprimand for a serious breach of conduct or after counseling, training, or verbal reprimand have failed to correct a performance or behavioral problem. Lieutenants have the authority to issue a written reprimand. Written reprimands are summarized on personnel orders and posted at the completion or expiration of the grievance process.
- (f) Suspensions - Lieutenants and above have the right to suspend employees for up to 240 working hours (aggregated during one calendar year, Police Contract Section 34.2) for serious breaches or when other actions have failed. Suspensions are in accordance with Civil Service Rules, labor contracts, and current case law.

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Suspensions are summarized on personnel orders and posted at the completion, or expiration of the grievance process.

- (g) Demotions - the Deputy Chiefs and Chief have the ability to demote employees if warranted. Demotions are in accordance with Civil Service Rules, labor contracts, Veteran's Preference Act, and current case law. Demotions are summarized on personnel orders and posted at the completion, or expiration of the grievance process.
- (h) Terminations - the Chief has the ability to terminate employees if warranted. Terminations are in accordance with Civil Service Rules, labor contract, Veteran's Preference Act, and current case law. Terminations are summarized on personnel orders and posted at the completion or expiration of the grievance process and will contain at a minimum, the reason for termination, effective date of the termination, and statement of status of the accrued employee benefits after termination.

Disciplinary Action Against Probationary Employees

In the event that a probationary employee as defined by police union contract is terminated for misconduct, unsatisfactory performance, or the failure to meet department standards, the employee shall have no right to appeal, except for an employee covered by the Veterans Preference Act. A probationary employee covered by the Veterans Preference Act is additionally entitled to written notice of the charges and the intent to terminate, suspend, or demote, and his/her right to request a hearing within 60 days of receipt of the notice. Failure to request the hearing in the time specified waives the right to the hearing and all other legal remedies. Any hearing shall be held in compliance with law (Minn. Stat. 197.46). Probationary employees are allowed union representation during this process.

1004.8 GRIEVANCE PROCEDURES

Employees grievance procedures will be in accordance with their respective collective bargaining agreement (CBA).

Professional Standards Unit will:

- (a) Be responsible for the maintenance of, control of, and disposition of employee grievance records and procedures for the Duluth Police Department.
- (b) Annually conduct an analysis of DPD grievances indicating trends in the type of grievances filed.

The analysis will be sent to the Chief of Police and should include recommended actions to minimize causes for future grievances.

Employees may appeal any disciplinary action. Appeals must be in accordance with current labor contracts.

1004.9 COMPLAINT AUDIT PROCESS COMPLAINT AUDIT

Purpose of Audit - to provide an independent examination of the Duluth Police Department complaint intake process and to assure the public that the department's process works.

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Audit Definition - the audit will provide a checks and balance system to insure complaints are being taken at all entry points and being delivered to the Administrative Lieutenant in order to provide timely investigation of all complaints.

Audit Procedure - the Civilian Review Board (CRB) will assist the Duluth Police Department in conducting twice a year complaint receipt audits. This process will include members of the CRB or their designees filing test complaints to the Duluth Police Department through all entry points. These audits will occur during sanctioned times and with prior notification to the Chief or the Chief's designee. These points will include individual officers, internet, telephone and at the Public Safety Building and substation desks. An audit will be considered successful if the test complaints are forwarded to the office of the Administrative Lieutenant.

A member of the CRB or designee will file complaints either by telephone, mail, email or in person. The individual making the complaint will state their name and contact phone number. The employee will advise them that the Administrative Lieutenant or other Lieutenant will contact them shortly and take full complaint details. The individual receiving the initial information shall forward the contact information to the Administrative Lieutenant or Shift Lieutenant. If given to the shift Lieutenant, it should be forwarded to the Administrative Lieutenant as soon as possible. The Administrative Lieutenant will call back the CRB member or designee to verify that the original contact information made it to the correct locations in the department to start the complaint process.

The police department will conduct training twice a year on this policy.

1004.10 ANNUAL STATISTICAL SUMMARIES

The Duluth Police Department uses a data base to enter and track all complaints. All complaints received will be secured in a data base with restricted access in order to protect the confidentiality and security of these records in accordance to data practice laws. Only those who have a direct reason to access this data base will have access to it. The Training and Standards Unit Lt will control the list of who has access to this data base. Disciplinary data will be held in compliance with MN data practice laws for confidentiality and retention. Annually the Deputy Chief of Administration will compile a report of the previous years complaints and make them available to all on the Duluth Police Department Website.

CALEA 22.4.1, 22.4.1, 22.4.3, 26.1.4, 26.1.5, 26.1.8, 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 26.3.7, 26.3.8

Seat Belts

1005.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees operating or riding in Department vehicles or aircraft (Minn. Stat. § 169.686).

1005.1.1 DEFINITIONS

Child Passenger Safety Seat System - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards set forth in 49 CFR Part 571 (Minn. Stat. § 169.685 Subd. 5 (e)).

1005.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The employee operating such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Employees must be prepared to justify any deviation from this requirement.

1005.2.1 TRANSPORTING CHILDREN

An approved child passenger safety seat system should be used for all children younger than 8 years of age and shorter than 4 feet 9 inches tall (Minn. Stat. § 169.685 Subd. 5 (b)).

However, if a child passenger restraint is not available, an officer may transport the child using the standard seat belt (Minn. Stat. § 169.685 Subd. 6 (a) (2)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, officers should consider arranging alternative transportation.

1005.3 TRANSPORTING PRISONERS

Prisoners should be secured in the rear seat of the patrol vehicle by seat belts.. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer.

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1005.4 INOPERABLE SEAT BELTS

No Department vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1005.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

CALEA 41.3.3

Body Armor

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1006.2 POLICY

It is the policy of the Duluth Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1006.3 ISSUANCE OF BODY ARMOR

The Training Lieutenant shall ensure that body armor is issued to all officers when the officer begins service at the Duluth Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Training Lieutenant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1006.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) All officers participating in a planned warrant execution shall be required to wear body armor unless the location or person has already been secured.
- (f) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1006.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1006.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1006.4 USE OF FORCE COORDINATOR RESPONSIBILITIES

The Use of Force Coordinator should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

CALEA 41.3.5, 41.3.6

Commendations and Awards

1007.1 PURPOSE AND SCOPE

This General Order establishes guidelines for the acknowledgment of noteworthy and exceptional service in the performance of an employee's duties. Given the fact that the Duluth Police Department maintains a high level of professional and performance standards, recognition should be given to those police personnel that have performed their duties under remarkable conditions or in a manner that rises above department expectations.

1007.2 MERIT COMMENDATIONS

Commendation award procedures have been established to ensure proper recognition is given to Department personnel who perform their duties or services recognizably over that which is normally expected.

A. Whenever an incident warranting recognition or a written recommendation is received, the named employee's supervisor will forward the recommendation, along with details of the incident, to the Chief of Police through the chain of command.

B. A Commendation Board shall exist consisting of the Chief of Police, Deputy Chiefs, and others as assigned.

C. The Commendation Board will examine the facts and upon determining that recognition is warranted will recommend the presentation of an award in one or more of the following categories:

1. The Purple Heart

The Purple Heart medal is awarded to a member, or to a deceased member's family on behalf of a member, of the Department having been critically injured or killed, in the line-of-duty. The action stemming from the incident must have been related to a criminal suspect or while engaged in other laws enforcement duties posing a significant risk of injury or death to the officer. This award recognizes the pain and suffering of such injury or death.

2. Medal of Valor

The Medal of Valor is the department's highest honor and is awarded to a member, or a deceased member's family, who has distinguished themselves by bravery above and beyond the normal demands of law enforcement duty.

To be awarded the Medal of Valor an officer must have performed an act displaying exceptional courage and extraordinary heroism while faced with imminent or potentially imminent peril without regard to personal risk.

3. Meritorious Service Award

The Meritorious Service Award may be awarded to any employee for and act of exceptional law enforcement service or significant accomplishment or achievement which brings credit to the agency and promotes professional image, above and beyond normal expectations of the employee or their required assignment and duties.

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Other considerations for this award may include; recognition of excellent performance of self-initiated law enforcement duties, displaying unusual thoroughness, conscientiousness and determination.

This award generally recognizes commendable acts, proficiencies and behaviors that may not rise to the level of higher awards but are deserving of official recognition.

4. Life Saving Award

The Life Saving Ribbon is awarded to any employee of the Duluth Police Department who through their direct actions, while on or off-duty was instrumental in saving the life of another person.

This award may be presented in conjunction with a higher award.

5. Police Partnership Award

This award is presented to a citizen or officer from another agency for providing significant aid and/or assistance to the Duluth Police Department in one of the following ways:

- Aided in the identification, apprehension and/or prosecution of an offender
- Directly aided a police officer(s) who, in the performance of their official duties, was injured or faced an imminent potential for injury or death without regard to personal injury
- Provided substantial assistance in the resolution of a significant investigation where without such assistance, resolution would have been difficult or unlikely
- Demonstrated a significant role and partnership with the Duluth Police Department in community problem solving and promoting and improving quality of life in the community.

D. Noteworthy Activities

Any noteworthy activity, which may not constitute a merit commendation award, should be recorded on an EMPLOYEE PERFORMANCE REPORT by the employee's unit leader.

Copies of the EMPLOYEE PERFORMANCE REPORT may be posted and distributed to the employee(s).

E. Employee of the Year

Nominations are made by any employee of the Duluth Police Department (DPD partners housed in the building are eligible). Written nominations will be turned into the Chief's Executive Assistant. Nominations should include the nominee's name as well as the name of the person nominating them.

Categories for the award are Officer of the Year, Supervisor of the Year, Investigator of the Year, Support Staff of the Year, and Kiwanis Officer of the Year. The Kiwanis Officer of the Year award will be awarded to the same person selected as Officer of the Year.

Recipients will be honored at the annual commendation ceremony.

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Commendations and Awards

Previous year's recipients shall comprise the selection committee for the following year.

Criteria for nomination include:

- communication skills;
- courtesy; dedication;
- dependability;
- enthusiasm;
- flexibility;
- initiative;
- productivity;
- team player;
- versatility;
- vision.

F. Letters of Commendation and Expressions of Gratitude

Recognition of quality service by other criminal justice agencies and the public are important measures of excellence.

Letters of recognition, expression of gratitude, or thank you can be sent to the Duluth Police Department online at the Duluth Police Department website, by email, or in person at the Public Safety Building or any police substation. 26.2.4

Any time a letter of recognition, expression of gratitude, or thank you is received, a copy will be given to the employee(s) named and included in their personnel file. Copies may be posted within the Police Department.

CALEA 26.1.2

Physical Fitness

1008.1 PURPOSE AND SCOPE

Physical fitness is the responsibility of each employee with encouragement and support from the Police Department. The Department is committed to assisting all officers in maintaining good physical and mental wellness. The Department recognizes the importance of good physical fitness and the benefits exercise has on reducing stress and improving mental wellness. All officers are mandated to maintain body weight proportionate to their height, and which allows them to perform their normal duties.

Civilian employees are also encouraged to maintain physical fitness to improve their health and morale, reduce sick leave, and increase job productivity.

The following information is provided for employees to evaluate their own fitness level and voluntarily take appropriate steps to improve their overall health and fitness.

1008.2 POLICY

To carry out the Department's responsibility to provide the best possible police service to the citizens of Duluth and minimize the risk of injury or illness, all officers are encouraged to maintain a level of physical fitness that will enable them to carry out any task they may be called upon to perform.

1008.3 MEDICAL EXAMINATIONS - FREQUENCY/TYPE

Officers are required to take a medical exam prior to employment. The medical exam is provided by the City physician at the City's expense.

1008.4 USE OF EXERCISE FACILITIES

In an effort to encourage physical fitness, a fitness reimbursement plan is established by contract for sworn personnel at approved facilities. Department officers who participate in exercise programs a minimum eight (8) times per month are eligible for reimbursement. Officers submit documentation for reimbursement in a manner determined by the Department. The Department also offers an on-site physical fitness facility at the Public Safety Building. Use of the facility is at no cost to employees and does not qualify for the contractual fitness reimbursement. Use of the facility does qualify for any established City of Duluth Wellness incentive program so long as one exists and parameters established by the program are met.

1008.5 ON-DUTY EXERCISE

The Department allows employees to utilize the Department physical fitness center or other independent exercise within a reasonable distance of the Public Safety Building. The Employee's supervisor or unit leader must approve all exercise described herein. All on-duty exercise shall be approved by an on-duty supervisor prior to the activity. Supervisors will assess staffing levels, call volume, and responsibilities prior to approving requests. Employees are required to be accessible by phone or radio during exercise.

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Physical Fitness

1008.5.1 INVESTIGATIVE DIVISION

Employees assigned to the Investigative Division or Non-Patrol assignments may exercise on-duty up to one (1) hour per shift under the following guidelines:

- Employees will receive one (1) hour of exercise time per week.
- In addition, employees may use their meal periods and breaks as allowed by policy 1008 to gain additional exercise time during their remaining assigned shifts that week to exercise.
- Employees choosing to use meal periods and breaks to exercise will forfeit that time and do not receive additional meal periods or breaks that day.
- Employees are not allowed to bank their time and cannot exceed one hour of exercise per shift.

1008.5.2 PATROL DIVISION

Employees assigned to the Patrol Division working in a Patrol assignment may use two (2) hours of exercise time per week or block of shifts.

- On-duty exercise may not exceed two (2) hours per week or block of shifts.
- Employees are not allowed to bank their time and cannot exceed one hour of exercise per shift.

1008.6 POLICE EXERCISE FACILITY

The purpose of the Police Exercise Facility is to provide police department employees with an opportunity to maintain good physical condition, relieve stress, and be in better condition to perform their duties. Space for the facility is provided by the Department and managed by an informal committee to oversee the facility's use. Voluntary funds to provide maintenance, cleaning and additional equipment for the facility are maintained in the Duluth Police Credit Union and are governed by the committee. Quarterly accounts of the fund are provided to the committee and to the Administrative Lieutenant.

1008.6.1 HOURS OF OPERATION

The facility is open for use 24-hours a day/7 days a week by any Department employee.

1008.6.2 USE OF FACILITY

- The weights and other items used while in the weight room are to be wiped down and put away when finished.
- No one shall leave any items in the weight room, (decorative items, work out equipment, personal items, etc. unless it is approved by the committee.
- The room will be cleaned by Building Maintenance.
- Employees must use the facility in a safe manner and a spotter is recommended.

CALEA 22.2.1, 22.2.2, 22.2.3

Shift Exchange

1009.1 PURPOSE AND SCOPE

Police work requires 24 hours per day, 7 days per week coverage. This necessitates a work schedule that often creates an inconvenience for officers and their families. Allowing personnel to exchange shifts or portions of shifts permits more freedom for off-the-job activities, improving morale, and enabling a more normal and satisfying life.

1009.2 POLICY

Officers are allowed to exchange shifts or portions of a shift. The replacement officer must be capable of performing the duties of the officer he is replacing. The unit leader affected by the exchange must approve of the substitution.

1009.3 PROCEDURE

Officers that have arranged for a shift exchange must complete a Shift Exchange Card. The unit leader for whom the replacement officer will be working approves the exchange and records the information in the police scheduler. The Shift Exchange Card is retained by the unit leader of the affected unit. This procedure allows the unit leader to ensure that the replacement officer is appropriate for the assignment. Notification of the affected unit leader should be done as soon as possible to ensure the exchange meets the approval of the unit leader.

Meal Periods and Breaks

1010.1 PURPOSE AND SCOPE

The Department relies upon the judgment of officers to be conscious of the image they project when taking a break. The number of officers together at a break, and the length of time taken on a break can make a very negative impression upon the public.

Certain restrictions are imposed on breaks to assist officers in maintaining a professional image and to avoid abuses of the privileges. These guidelines apply to all officers on duty outside headquarters.

Breaks will not be taken during the first hour of a shift. During a break, an officer is considered to be available for service and must be prepared to respond to any request for police service.

1010.1.1 MEAL PERIODS

Breaks

Breaks are limited to one per four hours worked (two for eight-hour employees, three for 12-hour employees). Breaks should not exceed 15 minutes and may be taken only as conditions permit.

Food Breaks

Food breaks are limited to one per eight-hour shift, two per 12-hour shift. Food breaks should not exceed 30 minutes. Officers are permitted to eat on City time, as conditions permit.

1010.1.2 RESPONSIBILITIES

On-duty uniformed officers, outside of headquarters need to be in possession of a portable radio.

Off-duty employees appearing in court are encouraged, but not required, to carry all their duty gear, for safety reasons. Due to delays in court appearances off-duty officers may have occasion to be outside the court house for a break and are strongly encouraged to have a portable radio and all their duty gear at that time.

Plainclothes officers shall maintain radio contact with the Communications Center when taking a break outside of headquarters.

Outside Employment

1011.1 PURPOSE AND SCOPE

This policy authorizes and regulates extra-duty employment for police officers. The Department necessarily places limits on, and prohibits some, outside employment. These requirements are essential for the efficient operation of the Police Department and for the protection of the community.

The Duluth Police Department maintains status as primary employer to all full-time sworn officers. The Department has the duty to determine if extra-duty assignments are detrimental, hinder, or conflict with the mission, operations, or image of the Department. If such circumstances exist, or there is a substantial likelihood of them arising, the Department retains the absolute right to regulate the assignments on a case-by-case basis. Nothing in this policy is intended to regulate military duty.

1011.1.1 DEFINITIONS

Extra-duty Employment: involves officers working for an employer other than the City of Duluth which involves the potential use of law enforcement powers.

Outside Employment: involves officers working for another governmental agency in a law enforcement capacity.

Non-duty Employment: involves any employment that will not require the use or potential use of law enforcement powers. This includes sworn and civilian employees.

1011.2 OBTAINING APPROVAL

Extra-duty Employment

All extra-duty employment is managed by the department. Officers may engage in approved extra-duty employment involving (see Section 1040.2.1):

- traffic control;
- crowd control;
- security; and
- other functions approved by a Deputy Chief, or their designee.

Police officers are prohibited from working extra-duty under the following conditions:

For any business that is not compatible with police work; i.e., bar tending, repossession work, any establishment that on a regular basis provides adult entertainment in the form of nude, semi-nude or topless exhibitions, or any other business the police administration deem to be not compatible with police work.

Outside Agency Employment

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Outside Employment

Officers may engage in outside employment for other law enforcement agencies only after the following conditions are met:

- The part-time, extra-duty employment is approved by the employee's Deputy Chief, or their designee.
- The officer obtains from the part-time employing agency a HOLD HARMLESS AGREEMENT on behalf of the City of Duluth (as outlined by the Duluth City Attorney's Office.)

Non-duty Employment

Officers may not engage in any non-duty employment involving an industry, business, or commercial concern of any kind that is regulated or licensed by the Duluth Police Department. Additionally, officers may not engage in any non-duty employment involving:

- Process serving, bail bond agencies, collection agencies, or repossessions;
- Personnel investigations;
- Private guard companies;
- Security services (uniform or plainclothes);
- Any investigations which might require the officer to have access to confidential or private information he could obtain through the color of his authority;
- Investigations or assistance in the preparation for criminal proceedings;
- Investigations or assistance in the preparation of civil proceedings (officers may provide statements to attorneys or investigators, if the officer was involved in the Department's investigation of the incident)

1011.2.1 ELIGIBILITY

Officers are eligible for extra-duty employment provided they comply with all of the following:

- a) completion of field training and certified for solo patrol (entry-level positions only), except with prior approval of the Chief or his/her designee;
- b) must not be on light duty assignment, leave of absence, sick leave, administrative leave, long term disability, or disciplinary leave;
- c) must be current with ALL mandatory department wide training;
- d) approval of unit leader if involved in a performance improvement plan; and
- e) must not work in any capacity more than 84 hours total (on-duty, overtime and extra-duty) within seven (7) consecutive days; and no more than eighteen (18) hours in any twenty-four (24) hour period.

Officers who are currently the subject of an internal or administrative investigation may have their extra-duty privileges suspended by the Administrative Lieutenant, as outlined in Policy 1020.

Officers are responsible for monitoring their eligibility for extra-duty employment.

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Outside Employment

Extra-duty employment must be scheduled so that it does not conflict with, or adversely affect, an officer's regularly scheduled duty.

1011.2.2 CONDUCT AND PERFORMANCE

Extra-duty officers will be held to the standard of on-duty officers. All sworn personnel are subject to all policies and procedures of the Department and retain the same sworn duties as if assigned to a regular duty assignment. No officer shall use sick leave to work an extra-duty assignment.

Officers are at all times subject to the policies of the Duluth Police Department and the rules and regulations governing employees of the Duluth Police Department. A contracting agency has no authority over police personnel and is restricted to providing only general assignment of duties to be performed by the officer. Those rules never supersede Duluth Police Department policy or procedures and employers of extra duty officers should be so advised.

Extra duty officers remain under the exclusive control of the department and are accountable for strict adherence to department rules and regulations. Any conflicting rules of employers of extra duty officers should be disregarded. The officer shall refuse to perform any duties deemed to be in conflict with the guidelines established by the Duluth Police Department. Officers are prohibited from barring an individual's entrance to an establishment based exclusively on knowledge or experience obtained through their regular police duties.

As determined by the Department, officers may be recalled from extra-duty to on duty status.

If a complaint is received about an extra-duty officer working in this capacity, the supervisor who received the complaint will follow policy and procedure in investigating the complaint. On-duty supervisors may do periodic inspections at extra-duty employment locations.

1011.2.3 RATE OF PAY

Sworn police employees below the rank of lieutenant shall be paid at their contractual overtime rate (four hour minimum) with no eligibility to convert the hours worked under this policy to compensatory leave time.

1011.2.4 SELECTION AND ASSIGNMENT OF PERSONNEL

Overtime assignments shall be made on the basis of lowest accumulated hours. Overtime for extra-duty events shall be posted on a sign-up sheet in the overtime book. Selection is by lowest accumulated overtime hours, or seniority when no overtime or equal amounts of overtime, have been logged.

Unit leaders making overtime selections use the police scheduler to determine the amount of accumulated overtime of officers that have signed up for an extra-duty overtime opportunity.

The Extra Duty Coordinator will attempt to schedule extra-duty contractual police services two weeks in advance of scheduled events. Officers shall be notified of any assignment changes or cancellation as soon possible.

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Outside Employment

1011.2.5 RESPONSIBILITY FOR EVENTS ONCE ASSIGNED

Once an officer is assigned an extra-duty overtime assignment, that officer is scheduled as working and it shall be the officer's responsibility to complete the assignment. Assignments made to extra-duty events are duty assignments. Employees are not excused from these assignments unless they have arranged a replacement or received supervisory authorization to not appear as scheduled.

If for some reason an officer is unable to cover an extra-duty assignment for which the officer has been assigned, the officer must fill the job with any available officer.

In cases of an emergency, please notify the on-duty watch commander. If the assignment is deemed to be in the interest of public safety, the on-duty watch commander will attempt to fill the assignment through call-in. Re-allocation of personnel from another extra-duty site or from an on-duty assignment is strongly discouraged.

If the shift will not be filled, the on-duty watch commander will notify the contracting employer for which the officer is scheduled to work, and advise them of the vacancy. The Extra Duty Coordinator must also be advised of the staffing change.

1011.2.6 SUPERVISION

Extra-duty events that do not have a supervisor assigned are supervised by the on-duty patrol supervisor. Some events may require the assignment of a working supervisor, which will be indicated on the posting for the detail. Events that require four or more officers will normally have a supervisor assigned as the fourth officer. The department may increase or decrease the officer/supervisor ratio if appropriate for specific events.

1011.2.7 USE OF SQUADS AND DEPARTMENT EQUIPMENT

Only marked squads will be allowed for extra-duty employment. Use of a marked squad must be requested in advance by the employer. The Extra Duty Coordinator will determine if the marked squad is reasonably required to adequately complete the job the officer(s) are hired to perform. There will be no additional fee for the use of a marked squad when approved.

Officers who are assigned a take-home marked squad are prohibited from using the squad for transportation to and from extra-duty assignments unless the use of the marked squad has been approved.

Extra-duty officers are authorized to use other department equipment (ie, Tasers, PBT) provided it doesn't conflict with equipment availability for primary officers.

1011.2.8 RADIO COMMUNICATIONS

Immediately prior to working an extra-duty assignment, each officer will notify dispatch of:

- the location,
- hours of assignment, and
- Officer PIN number.

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Outside Employment

It is the responsibility of the Extra Duty Coordinator to ensure that extra-duty officers are entered on the work card. When working an extra-duty assignment, officers will maintain radio contact in accordance with Departmental guidelines. Officers are encouraged to conduct routine communications with dispatch by phone as much as possible.

If a violent in-progress call is dispatched which is in close proximity to a police extra-duty assignment, officers will respond as appropriate and notify dispatch of the response.

1011.2.9 PRISONER TRANSPORT

On-duty primary personnel are responsible for assisting extra-duty officers with prisoner transports.

1011.2.10 REPORTS

Officers working extra-duty assignments are required to complete incident and other Departmental reports, as required by policy, on actions taken by them during the extra-duty assignment. If additional time beyond the scheduled shift is required to complete custodial or rush reports from an extra-duty incident, supervisory approval is required.

1011.2.11 PROGRAM COORDINATION

Operation of extra-duty assignments will be the responsibility of the Extra Duty Coordinator. They are responsible for processing applications and contracts, receiving requests for Contractual Police Services, posting assignments, scheduling personnel, providing operational details, and preparing payroll information. In the absence of the Extra Duty Coordinator, their designee will perform these duties.

1011.2.12 APPROVAL OF CONTRACTING EMPLOYERS

The prospective contracting employer will describe the nature of the police services requested, number of officers, etc. The contracting employer must be able to provide the City with their federal tax ID number, and any other information that the Police Chief deems necessary in order to make a determination as to whether or not any police services will be provided and/or if approved, to what extent they will be provided. The Police Chief will have sole discretion to determine whether to provide contractual police services.

CALEA 22.2.4, 22.2.5

On-Duty Injuries

1012.1 PURPOSE AND SCOPE

See the City of Duluth Incident/Injury Report on the City of Duluth's Bridge Website.

Personal Appearance Standards

1013.1 PURPOSE AND SCOPE

All department personnel shall present a professional appearance, as their appearance reflects on the image of the Police Department. This section is included to provide guidelines relating to appearance.

1013.2 GROOMING STANDARDS

The following standards apply to general appearance: uniforms, when worn, will be in compliance with the uniform regulations; all clothing items and uniform items will be kept neat, clean, and well pressed; leather and equipment items will be kept clean, polished and in good working order; personal hygiene will ensure personnel are clean and presentable so as not to be offensive to others.

1013.3 CLOTHING REGULATIONS

A. Sworn Personnel

Sworn personnel assigned to the Investigative-Administrative Division wear apparel approved by the uniform committee.. Either short-sleeved or long-sleeved 5.11 polo shirts are authorized year round and black or brown closed toe footwear.

Personnel assigned to the Investigative-Administrative Division have the option to also wear business attire. Business attire is defined as the following:

Men (Central Standard Time) ," During Central Standard Time, male officers assigned to the Administrative-Investigative Division may choose from the following:

- collared shirt or -
- collared shirt and sweater or sport coat;
- and dress slacks;
- and dress style shoe, oxford, or loafer.

Men (Central Daylight Time) ," During Central Daylight Time, officers assigned to the Administrative-Investigative Division may choose from the following:

- Central Standard Time options; or
- short-sleeve collared shirt (tucked in);
- and dress slacks or khakis;
- and dress style shoe, oxford, or loafer.

Female (Central Standard Time) ," During Central Standard Time, female officers assigned to the Administrative-Investigative Division may choose from the following:

- blouse;

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- sweater;
- blazer;
- and dress slacks;
- and closed toe dress style shoe, oxford, or loafer.

Female (Central Daylight Time) ," During Central Daylight Time, female officers assigned to the Administrative-Investigative Division may choose from the following:

- Central Standard Time options; or
- blouse;
- shell;
- and dress slacks or khakis;
- and closed toe dress style shoe, oxford, or loafer.

Mandatory Court dress ," All officers assigned to the Administrative-Investigative Division, when appearing in a court proceeding must be in a suit or sport coat and creased pant and dress shoes. Male officers must wear a tie.

B. All Personnel

All employees should report to work clean and neat in appearance and dressed in reasonable and tasteful business attire. Jeans, backless dresses, tank tops, halters, shorts, and garments made of transparent materials or designed to expose the midriff are prohibited.

C. Exceptions

On the 1st Friday of every month, casual attire is acceptable. Casual attire must be clean and without holes. Exceptions to this policy may be made for specific needs or assignments and require the approval of the unit leader. Unit leaders are responsible for monitoring these exceptions.

1013.4 HAIR REGULATIONS

The following guidelines apply to hair of the scalp and facial hair.

A. Hair must be neat, clean, trimmed, and present a well-groomed appearance.

MALES

Male's hair is cut and styled in a manner so that hair does not:

- cover the entire ear;
- extend over the eyebrows;
- extend beyond the top of the shirt collar;
- interfere with the wearing of headgear.

FEMALES

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Personal Appearance Standards

For safety reasons, female uniform officers' hair must be pulled back, if the length of the hair permits. Hair must not obstruct vision and not interfere with the wearing of headgear.

Wigs, when worn, shall be in conformity with the standards for natural hair.

B. Facial Hair

Mustaches shall be neatly trimmed.

Mustaches shall not:

- extend below the top of the upper lip;
- extend below the corners of the mouth;
- be worn in "handlebar" or drooping type of style

Sworn personnel are permitted to have a clean, well-groomed, and neatly trimmed beard or goatee. Facial hair must be a minimum of 1/4 inch (6mm) but may not exceed 3/4 inch (18mm) in length. Facial hair is not permitted below the Adam's apple and all beards/goatees must include a mustache. Patchy or spotty clumps of facial hair are not considered beards and therefore are not permissible. Personnel issued a gas mask or respirator are responsible for ensuring that a proper and effective seal can be made with their equipment. The Chief and/or their designee shall have final say on whether facial hair is in compliance with these standards.

C. Sideburns

Sideburns shall be neatly trimmed and equal to each other in width and length and shall not extend below the ear lobe. Sideburns shall not be flared.

1013.5 TATTOOS

Tattoos that are not described in this section are permissible and do not require covering while on duty.

Prohibited tattoos are those that may be considered racist, sexist, gang-related, obscene, sexually explicit, vulgar, indecent, extremist, prejudicial, or otherwise offensive. Tattoos or markings that meet the above criteria must be kept covered with department authorized uniform, attire, or "TatJacket" (see below for TatJacket coverings).

Tattoos on the neck, face, head or scalp are prohibited. Tattoos in any location on the hand below the wrist are prohibited, with the exception of tattoos on the ring finger. Any tattoo on the ring finger is limited to a "band" acknowledging a marriage, civil union, or domestic partnership.

The Chief of Police or designee will make the final determination as to what is or is not a prohibited tattoo.

For Officers looking to add a new tattoo in a visible area on the body, a copy of the tattoo in a format that shows the full design of the artwork may be presented to the Chief for approval prior to starting the tattoo. This will insure the tattoo is acceptable by policy for display without covering while on duty.

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* "TatJacket" can be purchased on-line at www.tatjacket.com. The following are approved for departmental use:

- Full length arm sleeve: Black
- Upper arm sleeve: Black
- 8-inch forearm/wrist sleeve: Black
- 4-inch forearm/wrist sleeve: Black
- 8-inch ankle sleeve: Black, Brown or Tan
- Lower leg sleeve: Black, Brown or Tan

1013.6 JEWELRY - SWORN PERSONNEL

Watches, rings and medical alert jewelry are the only visible jewelry items sworn personnel are permitted to wear on duty.

Only female officers may wear earrings while on duty. Earrings must be the "post" or "stud" type with no hanging ornamentation. In addition, no personnel shall have "body piercing" visible on any part of their body while on-duty, with the exception of those earring types and conditions listed previously.

1013.7 FINGERNAILS - SWORN PERSONNEL

Nails shall be trimmed to not extend more than 1/8" beyond the end of the finger.

Uniform Regulations

1014.1 PURPOSE AND SCOPE

All sworn officers, unless otherwise approved by the chief, are required to maintain a uniform and necessary equipment in serviceable condition.

All sworn officers assigned to, or working in, the Uniform Division will wear the authorized uniform when on duty. The Chief, Deputy Chief, Area Commanders, and Lieutenants have the option of uniform or plain clothes attire. Shift Lieutenants are expected to wear uniforms when their patrol crew is on-duty.

Additionally, Uniform Division officers may be directed to wear alternative clothing for the purpose of a specialized or a specific assignment. Officers assigned to the Uniform Division are not required to wear their uniform when assigned to special duty training unless otherwise directed.

1014.1.1 UNIFORM CLOTHING

The Police Labor Contract has established a Clothing Committee. All items of uniform clothing are approved by the committee. Clothing not approved by the Committee may not be worn. The Committee may authorize specific officers to utilize experimental items in order to evaluate their performance and effectiveness.

a. UNIFORM SHIRTS

Officers wear shirts approved by the Clothing Committee.

The following regulations apply to the wearing of uniform shirts:

- Department patch is worn on both sleeves, centered two inches below the shoulder seam on all uniform shirts;
- Collars will be buttoned when wearing a tie.

b. RANK INSIGNIA

Sergeants

- Sergeant stripes are worn on both sleeves and centered below the Department patch.

Lieutenants

- Lieutenants rank insignia is worn on the collar and positioned parallel to each other and one inch from the vertical edges of the collar, centered on the collar.

Deputy Chief

- Five point star is worn centered on each collar point, with the centerline of the insignia bisecting the point of the collar, one inch up from the collar point.

Chief

- Two Five point stars are worn centered on each collar point with the centerline of the insignia bisecting the point of the collar, one inch up from the collar point.

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Uniform Regulations

c. POLICE BADGE

All officers are issued a police badge to be worn on either the shirt or outer garment. A hat badge is issued for either the garrison cap or trooper cap. Police officers and sergeants are issued silver badges. Lieutenants and above ranking officers are issued gold badges. Badges are worn above the left pocket, on the outer garment, when outside headquarters. Plain clothes officers must have an appropriate means of displaying their badge, when necessary. The method is dependent upon the officer's assignment and duties in which they are engaged at the time.

d. TROUSERS

Officers wear trousers approved by the Clothing Committee. The hemline on shorts is established as one inch above the kneecap.

e. UNIFORM OUTER GARMENTS

Outer garments are designed for wear over the basic police uniform. The following outer garments are worn by Department personnel.

1. Jackets

- Jackets of dark blue cloth, fleece, or dark blue leather, lined or unlined, of a style or cut as approved by the Deputy Chief and Clothing Committee.

2. Blouse Coat

- The approved blouse coat is always worn with a tie and is used for formal occasions. The blouse coat is approved for use by the honor guard and the command staff.

3. Raincoat

- Raincoats must be a high visibility color.

4. Windbreaker

- The approved windbreaker may be worn. The Department patch will be worn on both sleeves of all outer garments, two inches below the shoulder seam. Patches are not worn on the raincoat. Patches are worn centered below the shoulder seam. Sergeants stripes shall be worn on both sleeves, centered below the Department patch. Lieutenants, Deputy Chief, and Chief insignia shall be worn on the epaulet next to the seam.

f. TIES

- Required only for court and must be a dark navy clip on tie.. Turtle necks and dickies may be monogrammed with "DPD". Tie clips, if worn, must match the color of the insignias and badges worn by the officer. Tie clips must represent professional decorum.

g. BODY ARMOR

- Body armor must be worn by uniformed officers unless they are assigned to administrative duties. Body armor must be worn by officers participating in the execution of search or arrest warrants.

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Uniform Regulations

h. NAME TAGS

- Uniformed officers must wear either a metal name plate, or have their name embroidered above their pockets as outlined below.
- Name plates consisting of the first initial and last name are worn by uniformed officers. The plate is centered immediately above the top seam of the right pocket of the shirt and outer garment. Name plates are the same color as the officer's badge with black lettering; officers have the option of affixing a "Serving Since (year)" rocker below the name plate.
- Embroidered name patches are in 8mm. block letters, centered one half inch above the right shirt and jacket pocket. They consist of the first initial and full last name. The thread color is determined by the Uniform Committee.

i. HEADGEAR

The Department has authorized two styles of headgear for different seasonal use. However, officers are not restricted from wearing the garrison cap on a year-round basis.

- Garrison Cap: The approved garrison cap is a dark blue air force style (round) cap. During inclement weather the cap may be covered with an optional blue, yellow or clear plastic cover to protect it from the elements. The grommets should not be removed from the cap.
- Watch Cap: Black watch caps may be worn. The only adornment allowed on watch caps are the "DPD" logo, officer's PIN, or Department patch.
- Cap Badge: Silver for patrol officers and sergeants; Gold for lieutenants and above ranking officers.
- Cap Band: Black band with silver fastener for patrol officers; Silver band with silver fastener for sergeants; Gold band with gold fastener for lieutenants and above ranking officers.

j. FOOTWEAR

1. Shoes and Boots:

- Outer footwear worn by uniform officers must be black and of a smooth or scotch grain leather or man-made substitute. An oxford style lace-up shoe may be worn. Footwear must have either plain or capped toes and allow for the trouser legs to fall naturally outside the boot. When wearing shorts footwear must be black with black socks. Boots cannot have buckles or other adornment.
- Shoes and boots should be kept clean, polished and in good repair.
- Unusual footwear such as sandals, moccasins, canvas shoes, or clogs are prohibited.

2. Overshoes:

- Black overshoes and rubbers may be worn. Ice cleats (e.g. Yaktraks) may be worn and must be black.

3. Socks:

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- Socks which are visible must be solid color, dark blue or black. Officers required to wear socks of another color due to medical purposes should present medical certification to the Deputy Chief prior to doing so.

k. SPECIALIZED UNIFORMS

Specialized units may be authorized to wear uniform items other than those described above to compliment the unique nature of the assignment. Unit leaders of specialized units submit a proposal of their clothing/equipment standards to the Deputy Chief of their Division. The proposal must contain an explanation of the need to depart from standards set forth by this order. The proposal will then be submitted to the Clothing Committee along with the recommendation of the Deputy Chief. Subsequent to approval the written standards are distributed to unit members.

I. ADDITIONAL CLOTHING ITEMS

Officers at times may opt for additional clothing items to be worn with the basic police uniform. The following are guidelines for additional clothing worn with the police uniform.

1. Vests (non body armor)

- Dark blue or black vests may be worn with the police uniform under an outer garment.

2. Sweaters

- Sweaters as approved by the Clothing Committee may be worn with the basic police uniform during winter months. Sweaters must be equipped with Department patches on the sleeves. A badge must be displayed if the sweater is worn as an outer garment.

3. Gloves

- Gloves may be worn by uniform personnel and must be black. Black mittens may also be worn during periods of extended exposure to inclement weather.

4. Additional Extreme Weather Clothing

Officers may wish to carry and utilize additional clothing for extreme winter weather. Officers are expected to exercise good judgment in the selection and use of these items. Officers must be readily identifiable as Duluth Police Officers. These additional items must allow access to police equipment carried by the officer. The unit leader has the ultimate authority to allow or prohibit an item's use. Extreme winter weather clothing:

- Must be navy blue or black;
- Must be clean and presentable in appearance; and
- Must not interfere with the wearing, or use of, leather gear and equipment; and
- Boots must be dark and of a conservative color.

1014.1.2 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

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- An officer of this department - From the time of death until midnight on the 14th day after the death.
- An officer from this state - From the time of death until midnight on the day of the funeral.
- Funeral attendee - While attending the funeral of a fallen officer.
- National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.
- As directed by the Chief of Police or designee.

Nepotism and Conflicting Relationships

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1015.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1015.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following restrictions apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
 - (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender or who engages in intentional violations of state or federal laws.

1015.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1015.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps

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to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Personnel Early Warning System

1016.1 PURPOSE AND SCOPE

This policy is intended to address and outline the purpose, policy and procedures relative to the organization, management, and utilization of the Duluth Police Department Early Warning System, (EWS).

It is the policy of this Department to establish an Early Warning System (EWS) for tracking and reviewing incidents of risk to this agency and the involved employees. The EWS is intended to assist identifying officers and other employees whose performance warrants review and, where appropriate, intervention in circumstances that may have negative consequences for the employee, fellow employees, this Department, and/or the general public. The Department recognizes that each employee is responsible for their performance and behavior. The establishment of the EWS does not preclude the Department from imposing alternative administrative action should an employee's actions warrant it.

1016.2 GENERAL INFORMATION

The EWS offers a non-disciplinary avenue to address problems and/or performance deficiencies for an employee who may benefit from intervention.

The EWS includes options and reviews already available through use of force reporting, the disciplinary system, the performance evaluation system, and the administrative review function. The EWS ties information from these sources together in a single tracking system designed to alert supervisors to significant deviations from acceptable performance.

The system will:

1. Compile statistical information regarding citizen complaints/administrative investigations, on-duty traffic collisions, vehicular pursuits, and use of force incidents.
2. Provide a means to identify patterns of behavior to enable supervisors to address training or other needs at an early stage and improve employee performance

1016.3 EWS ACTIVATION

The EWS will be implemented with Department-wide thresholds set for each criteria entered. The system will be activated whenever:

1. Four (4) or more citizen complaints/administrative investigations within a twelve- month period.
2. Three (3) or more on-duty traffic collisions within a twelve-month period.
3. An employee has six (6) or more documented uses of force (those incidents requiring the completion of a Subject Resistance Form within a twelve-month period.
4. A combination of (6) or more of any of the above incidents in a twelve-month period.

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As data regarding EWS incident information is entered into the LEA Administrative Data Base, Department norms will develop and those numbers, regarding each type of incident that requires EWS activation, will eventually be considered when updating the thresholds.

The EWS does not relieve the supervisor of their normal responsibility to monitor and initiate a review and remedial action as warranted, of their assigned employees' performance related issues.

1016.4 ADMINISTRATION RESPONSIBILITY

Each Deputy Chief will, at minimum, conduct a semi-annual review of the early warning indicators of all employees in their division and submit an analysis of Departmental trends to the Chief of Police, along with recommendations for changes to the EWS if necessary.

When data brings the early warning indicators to the level set for a supervisory review, the appropriate Deputy Chief will notify the Officer's immediate supervisor through the chain of command and request that a review be performed. That supervisor will review the factors that prompted the EWS alert and interview the employee. The purpose of the interview will be to determine if the employee is experiencing problems that are affecting his or her work performance, what those problems are, and to explore courses of action that can be undertaken to help the employee with those problems.

The supervisor will report back to the appropriate Deputy Chief in writing with the results of the employee meeting.

1016.5 SUPERVISOR RESPONSIBILITIES

First level supervisors in all Department units are a key element in the early identification of employees with potential problems. First level supervisors will familiarize themselves with their subordinates by direct observation, review, and documentation of demeanor. Appearance and conduct on a daily basis.

Lieutenants in all Department units will have access to the EWS computer database and are responsible for the data entry of the EWS criteria. Overall evaluation of the data results is the responsibility of the appropriate Deputy Chief. If at the time of data entry the lieutenant identifies an employee who has exceeded the threshold set for the review process due to EWS indicators, they should immediately notify the appropriate Deputy Chief. At that time the review process will commence.

1016.6 REVIEW PROCESS

When a report indicates that an officer has exceeded the threshold established by this agency requiring a supervisory review, the subject's Deputy Chief, Lieutenant, and direct Supervisor shall meet to discuss the report and other relevant information and determine if corrective actions are warranted.

Reports and other relevant information may include, but are not limited to:

1. Use of force including Discharge of Weapon reports;

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2. Vehicle pursuits -- both in and out of policy;
3. Vehicle collisions;
4. Job performance, including report writing and traffic & parking enforcement;
5. Sick time usage (number of incidents, not number of days);
6. Punctuality;
7. Assaults on the officer (i.e., officer as victim);
8. Complaints lodged against employees in accordance with provisions of this agency's policy on investigation of employee misconduct, to include the following:
 - Complaints lodged by one employee against another;
 - Summary disciplinary actions taken against an employee by a supervisor to identify behaviors influencing complaints and actions inconsistent with Department policy and mission;
 - Complaints lodged by citizens against agency personnel.

This meeting may lead to the conclusion that the officer's actions do not warrant immediate need for corrective action. The employee's supervisor will notify the employee of the EWS review and the results of the meeting.

When the EWS review of a Departmental member indicates that intervention is appropriate and/or when a supervisor makes such a determination because of routine observations, the employees' lieutenant and direct supervisor shall arrange a meeting with the Department member. Supervisors should review the report with the subject officer and encourage the subject to provide insight to the itemized incident and problems identified in the report. The affected employee shall have an opportunity to respond (the employee may choose not to respond).

1016.7 CORRECTIVE ACTION/INTERVENTION

When a EWS report indicates that an officer has exceeded the threshold established by this Department and after the supervisory review and employee meeting have taken place and Department intervention has been found to be appropriate, the Department may make recommendations that may include but are not limited to the following, or a combination of the following:

- Supervisory counseling;
- Participation in agency-authorized training, targeting personal or professional problems that the officer may be facing (e.g., communications, cultural awareness, coping with stress, anger management, report writing);
- Field monitoring with evaluations at regular intervals set by the supervisors, not to exceed bi-monthly (every two months);
- Referral to the City Employee Assistance Program;

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- Temporary reassignment or transfer;
- Physical examination;
- Psychological fitness for duty examination.

When formulating a plan for an Officer, the Officer should have input in the design of the plan. Department supervisors may use informal counseling but should document this counseling if a repeated behavior cannot be corrected. Counseling reports should be forwarded through the chain-of-command.

1016.7.1 APPROVAL OF/ADHERING TO PLAN

A report of action recommendations and justification for those recommendations shall be forwarded through the Lieutenant to the appropriate Deputy Chief, then to the Chief of Police for approval.

Once approved, the employee shall follow the plan to completion. The employee's progress shall be monitored and formally reported to the Chief at intervals prescribed by this agency. Indications of employee compliance or non-compliance, to include evidence on completion of the agreed upon plan should be forwarded to the Chief of Police for inclusion in the employee's EWS folder for future reference.

1016.8 AUDIT

An Audit of the EWS system should be conducted by the Professional Standards Lieutenant on an annual basis to ensure that it is meeting agency needs and goals.

CALEA 35.1.9

Employee Speech, Expression and Social Networking

1017.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1017.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1017.2 POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Duluth Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1017.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Duluth Police Department employees such as posting personal information in a public forum can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this agency has had professional contact with such as crime victims or staff of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

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- Disclosing a photograph and name or address of an employee.
- Disclosing the address, telephone number or email address of an employee.
- Otherwise disclosing where another employee can be located off-duty.

1017.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the organization's safety, performance and public-trust needs the following are prohibited unless the speech is otherwise protected (for example an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Duluth Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Duluth Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Duluth Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Duluth Police Department.
- (f) Use or disclosure, through whatever means, of any not public data, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain or data classified as not public by state or federal law or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches,

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marked vehicles, equipment or other material that specifically identifies the Duluth Police Department on any personal or social networking or other website or web page in a manner that tends to compromise or damage the mission, function, reputation or professionalism of the Duluth Police Department or its employees.

- (h) Accessing websites for non-authorized purposes or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty except in the following circumstances:
 1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1017.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Duluth Police Department or identify themselves in any way that could be reasonably perceived as representing the Duluth Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group) is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Duluth Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or

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indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1017.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the Department e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any Department system or device.

This includes records of all key strokes or web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if accessed through department computers or networks.

1017.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1017.7 TRAINING

Subject to available resources the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

POST Licensing

1018.1 PURPOSE AND SCOPE

Maintaining a valid POST license is a critical element of an officer's ability to continue their employment and is their sole professional responsibility. Every officer and every part-time officer is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900; Minn. R. 6700.1000).

1018.2 RENEWAL SCHEDULE

Any officer whose license expires is not authorized to work as a peace officer until the license status is valid. Officers renew their POST licenses according to a schedule established by Administrative Rule (Minn. R. 6700.1000).

1018.2.1 LICENSE RENEWAL CREDITS

A peace officer license may be renewed only upon the licensee or the licensee's appointing authority providing the POST board proof the licensee has successfully completed board-approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continuing credit are (Minn. R. 6700.1000, Subd. 3): Forty-eight (48) hours for a full or part-time peace officer.

1018.3 LICENSE PROCESS

A general schedule for the license renewal process is:

- February - The Department or officer will receive employment verification.
- March - The Department or officers are sent a license renewal application.
- June - A final notice will be sent from POST for those who have not renewed.
- June 30 - The deadline date for license renewal after which officers whose license expires will no longer be authorized to practice law enforcement or carry a firearm.

1018.4 INACTIVE LICENSE

Officers who fail to complete the requirements will have their license placed in the "Inactive" status. The employee may then be placed in a temporary administrative assignment until their license is "Valid". Those employees may also face administrative discipline up to and including termination.

Locker Room Assignments

1019.1 PURPOSE AND SCOPE

To provide guidelines for the use and control of lockers assigned to City of Duluth Police Department employees. Failure to comply with this policy may result in loss of access to the Police Department locker rooms and more severe disciplinary action.

1019.2 POLICY

Each Duluth Police employee will be issued a locker. The lockers are the sole property of the City of Duluth Police Department and not the private property of employees. In using a locker, the employee acknowledges that they are subject to the following conditions:

- Locker is provided at the discretion of the department and locker use/assignment can be terminated based on the needs of the department or at the discretion of the chief
- Duluth Police Department lockers are provided with no expectation of privacy
- All lockers are subject to inspection at the direction of the Chief of Police, or his/her designee, at any time
- Lockers shall not be marked, modified, or otherwise altered without approval of the Chief of Police, or his/her designee
- Per Policy 304, firearms stored at Headquarters must be in a secured locked setting
- The City of Duluth Police Department shall not be responsible for the loss of personal items contained within any locker
- Lockers shall be kept clean and in their original condition
- No stickers may be attached to the lockers.

1019.3 PROCEDURE

Any damage or unauthorized access shall be reported to a supervisor immediately.

The Chief of Police, or his/her designee, shall maintain a master list of lockers issued.

Employees are prohibited from using lockers not assigned to them.

Civilian Personal Appearance Standards

1020.1 PURPOSE AND SCOPE

This is a general overview of appropriate business casual attire. Items that are not appropriate for the office are listed, too. Neither list is all-inclusive and both are open to change. The lists tell you what is generally acceptable as business casual attire and what is generally not acceptable as business casual attire.

No dress code can cover all contingencies so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you experience uncertainty about acceptable, professional business casual attire for work, please ask your supervisor.

1020.2 SLACKS, PANTS, AND SUIT PANTS

Slacks that are similar to Dockers and other makers of cotton or synthetic material pants, wool pants, flannel pants, dressy capris, and nice looking dress synthetic pants are acceptable.

Inappropriate slacks or pants include jeans, sweatpants, Bermuda shorts, short shorts, shorts, bib overalls, leggings (unless worn under tunics, skirt or dress), and any spandex or other form-fitting pants such as people wear for biking.

1020.3 SKIRTS, DRESSES, AND SKIRTED SUITS

Casual dresses and skirts, and skirts that are split at or below the knee are acceptable. Dress and skirt length should be at a length at which you can sit comfortably in public.

Short, tight skirts that ride halfway up the thigh are inappropriate for work. Mini-skirts, sun dresses, beach dresses, and spaghetti-strap dresses are inappropriate for the office.

1020.4 SHIRTS, TOPS, BLOUSES, AND JACKETS

Casual shirts, dress shirts, sweaters, golf-type shirts, and turtlenecks are acceptable attire for work. Most suit jackets or sport jackets are also acceptable attire for the office if they violate none of the listed guidelines.

Inappropriate attire for work includes tank tops; midriff tops; shirts with potentially offensive words/terms, logos, pictures, cartoons, or slogans; halter-tops; tops with bare shoulders; sweatshirts, and t-shirts (unless worn under another blouse, shirt, jacket, or dress).

1020.5 SHOES AND FOOTWEAR

Conservative athletic or walking shoes, loafers, clogs, sneakers, boots, flats, dress heels, and leather deck-type shoes are acceptable for work.

Flashy athletic shoes, thongs, flip-flops, and slippers are not acceptable in the office.

1020.6 JEWELRY, MAKEUP, PERFUME, AND COLOGNE

Should be in good taste, with limited visible body piercing. Remember, that some employees are allergic to the chemicals in perfumes and make-up, so wear these substances with restraint.

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1020.7 HATS AND HEAD COVERING

Hats are not appropriate in the office. Head covers that are required for religious purposes or to honor cultural tradition are allowed.

1020.8 EXCEPTIONS

On Fridays, casual attire (jeans) are acceptable. Casual attire must be clean and without holes. Exceptions to this policy may be made for specific needs or assignments and require supervisor approval. Supervisors are responsible for monitoring these exceptions.

CALEA 22.1.6

Line-of-Duty Deaths

1021.1 PURPOSE AND SCOPE

Law enforcement functions may involve the sudden death of a peace officer who took the oath to uphold the guidelines of federal, state, and local ordinances. The purpose of this policy is to provide guidelines for the response to a line of duty death and following protocol ensuring the survivor's wishes are always given precedence to those of the Duluth Police Department.

1021.1.1 DEFINITIONS

Line of duty death: The death of an active duty law enforcement officer that is a direct result of a personal or traumatic injury sustained in the line of duty whether on or off duty. To include

- A. A medical condition arising out of physical exertion while on duty as required by law or condition of employment, including but not limited to:
 - 1. Running, other types of exercise being performed as training programs, or fitness tests administered by the Department;
 - 2. Lifting heavy objects;
 - 3. Presenting a specific stress response, including but not limited to physical altercations, rigorous physical activity – causing death immediately, within 24 hours, or after continuous hospitalization as a direct result of response to a law violation or emergency situation;
- B. Caused by an infectious disease contracted while performing line of duty activities or exposure to hazardous material or conditions while performing line of duty activities;
- C. Resulting from suicide for officers in good standing.
- D. Off duty situations include:
 - 1. Acting in response to a law violation;
 - 2. En route to and from a specific emergency or request for assistance;
 - 3. Driving their employer's vehicle or personal vehicle to or from work as required; or authorized by law or condition of employment.
 - 4. Long term illness.

Line of duty injury or illness: A line of duty injury or illness shall be an injury or systemic illness serious enough for hospitalization or time away from the office ordered by a physician for an indefinite period.

Survivor: Immediate family members of the deceased Department member. The surviving spouse will be the decision maker regarding arrangements, and the person from whom the Family Liaison Officer will take direction. If an officer is unmarried, the Family Liaison Officer will work with the surviving parents and any adult children.

Survivors: Primary family members of the injured or deceased officer including spouse, children, grandchildren, parents, grandparents, siblings, fiancée, and/or significant others.

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Beneficiary: Those designated by the officer as recipients of specific death benefits.

Benefits: Financial payments made to the family to assist with financial stability following the loss of a loved one.

Funeral payments: Financial payments made to the surviving families of a sworn law enforcement officer killed in the line of duty which are specifically allocated for funeral payments.

Notification Team: Individuals responsible for making proper in-person notification to survivor(s) in the event of a death or serious injury of an officer. This team will consist of the Chief of Police or their designee, the officer's watch commander or member of the Department with personal knowledge of the deceased officer and their family, and the pre-selected persons of the officer as documented in their confidential line of duty death form. If possible, a chaplain, officer's pastor, mental health professional, or victim advocate should also be available.

Hospital Response Liaison: Individual assigned by the Notification Team to work with the hospital to prepare for the survivors. The hospital liaison will work with hospital staff to provide entrance/egress to the hospital to ensure privacy, preparation of the deceased for viewing, and answer questions from the hospital regarding payment of medical care.

Family Liaison Officer: An individual assigned by the Chief of Police, or their designee, who will be the primary facilitator between the family and the Department. The Family Liaison Officer has the responsibility of attending to the needs of the family, making the family aware of the support and services the Department has to offer, and be available to the family on a 24-hour basis throughout the entire process. This individual ensures expedient completion of tasks in support of the family and the funeral process. An additional Family Liaison Officer should be considered for children who do not reside with the fallen officer.

Funeral Liaison Officer: An individual assigned by the Chief of Police, or their designee, who will be responsible for assisting the family with the wake and funeral arrangements. The funeral liaison officer will meet with family members to brief them on the procedures involved in a law enforcement funeral, however they will ensure the needs and wishes of the survivors come before those of the Department. The funeral liaison officer will also be responsible for logistical issues such as determining needs for travel arrangements, special needs of the family during the funeral, coordinating Department participation along with all other law enforcement participation such as parking, seating, video equipment, motorcades, and Honor Guard. This individual will also coordinate outdoor viewing screens, tents, water stations, or heat stations if it becomes necessary.

Benefits Coordinator: Individual responsible for compiling all death benefits due to the survivors, most likely from City Human Resources. This individual will work with a command staff representative to assemble this information as soon as possible upon the death of an officer and coordinate with the Family Liaison Officer to provide this information to survivors. The benefits coordinator will also prepare and file the necessary paperwork for these benefits on behalf of the family, and check the status of claims until the benefits are received by the survivor. A Union representative will work closely with the benefits coordinator throughout the process.

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Officer in Charge: Individual appointed by the Chief of Police or their designee to be responsible for the overall operation. The officer in charge shall insure that all protocols are being followed by representatives and officers involved in the planning and operations of the event. The following positions must be activated immediately upon a death or serious injury of an officer. Some of these positions may be combined where practical.

- A. Notification Team
- B. Family Liaison Representative
- C. Funeral Liaison Officer
- D. Public Information Officer
- E. Benefits Officer

1021.2 POLICY

It is the goal of the Duluth Police Department to provide assistance to the immediate survivors of an employee who dies in the line of duty, whether feloniously or accidentally, while an active member of the Department as well as those who die following a long term illness or suicide. This will include the clarification and comprehensive review of survivor benefits, to provide tangible and intangible emotional support, and assist in funeral planning as requested by the survivors. The Department shall identify service providers and support groups that will be called upon in cases of emergency.

If the death was a result of a suicide, consultation between the Department and the deceased's survivors will be held. Each instance will be reviewed case by case. If the suicide was a result of an action(s) by the deceased that brought discredit to themselves or the Department the Chief of Police or their designee can make the determination on appropriate funeral protocol.

1021.3 EMERGENCY NOTIFICATION FORMS

All Duluth Police Department employees shall complete an emergency contact form annually. This information will include who should be contacted in an emergency and whom the employee would prefer to make the notification. This information will be kept in the Chief of Police office to be accessed only in the event of serious injury or death. The line of duty death packet will continued to be offered for those who prefer to provide additional information.

1021.4 DEATH NOTIFICATOIN

The name of the decease or injured officer will never be released to the media before immediate survivors have been notified. The name of the involved officer should never be transmitted via radio. Personnel will be ordered not to disseminate any information over social media outlets, which includes texting the name to family members or other officers.

The Notification Team should arrive at the survivor's residence in an unmarked vehicle when possible, and take separate vehicles to provide maximum flexibility for post-notification transport.

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Notifying officials should familiarize themselves with available facts relevant to the officer's death or injury to include details of death or injury, location of the deceased or injured, and the location of their personal effects. The names of survivors should also be memorized. If survivors are in poor health and may require medical attention have medical services stand by. The Notification Team should also be aware of any special needs of the survivors such as being hearing or visually impaired or not speaking English and request appropriate resources prior to notification. Notifying officials should also provide assistance for the care of small children or elderly family members while the other adult survivors are taken to the hospital.

Notification officials should begin by identifying themselves by name and rank and ask permission to enter the residence. Then request to speak with survivor(s) and verify the relationship of the survivor(s) to the deceased. Notifying officials should then inform the survivor(s) slowly and clearly of the situation. Notifying officials should avoid making ambiguous statements and survivor(s) should be told the officer is dead.

If asked about the circumstances of the officer's death, notifying officials should provide basic information in a straightforward and honest manner, but avoid extensive explanations and graphic details. The notifying team should evaluate the physical and emotional condition of the survivor(s). This begins with the first contact and does not end until the survivor(s) are in the care of other officers, family members, or service providers.

Notifying officials should be prepared to take survivor(s) to the hospital or morgue. If the officer is seriously injured and death is probable, notifying officials should provide transportation to the hospital for the survivors, including children, as soon as possible. If survivors refuse transportation an officer should accompany them in their vehicle.

As soon as possible after the incident, the Chief of Police should meet with the survivors.

When next of kin and/or survivors are located outside of the jurisdiction, the agency will work with the primary law enforcement agency in that jurisdiction to arrange for personal notification. Telephone notifications will not be performed.

If the Notification Team is not readily available, notification will not be delayed. If the officer has not yet died, all attempts should be made to get survivors to the hospital prior to the officer's death.

1021.4.1 AGENCY COORDINATION

All tasks and procedures of the death notification will be preplanned and assigned to personnel thoroughly briefed on their responsibilities. Each individual will have at their disposal precise plans for dealing with an officer's death to include contact persons within the Department, individuals, agencies, and others within the community that can be called upon for assistance. This will include funeral homes, local lodging, florists and other community partners that have expressed an interest in providing free services or services at greatly reduced prices for the survivors of officers killed in the line of duty.

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All personnel with assignments related to line of duty death shall remain in close contact to ensure procedural details are not overlooked. The Family Liaison Officer shall be the point of contact for survivors throughout and after the event.

1021.5 HOSPITAL RESPONSE

The Department shall identify medical facilities that may be involved in a line of duty death or injury. The Department will then create and provide procedures to follow in the event of a death and the roles and responsibilities of staff will be discussed and agreed upon by the Department and medical facilities.

The Department and medical facility will expect an influx of individuals and be prepared to accommodate the influx as well as the family. A member of the Notification Team will designate a Hospital Liaison to provide the following:

- A. Preparations to receive the survivors;
- B. A designated waiting area identified and secured for survivors to meet privately with authorized individuals;
- C. Access to the deceased or injured officer if the survivors wish;
- D. Survivors will be appropriately cautioned and prepared for what they may see. A support person, chaplain, counselor, or close friend should accompany the survivors unless the survivors request otherwise;
- E. Medical staff will be asked to cover any serious disfigurements if possible;
- F. A location will be provided for other law enforcement personnel to congregate that will not interfere with survivors or medical personnel;
- G. Answer any questions from the hospital regarding payment of medical care. The hospital will be instructed that all matters related to the payment of hospital expenses should be addressed to the Department, not the survivors.
- H. Personal effects, including Department issued weapons, will be taken by the liaison for return to the survivors at a later, more appropriate time.
- I. Arrangements will be made to return survivors to their homes. This will include egress from the hospital where the media and other observers are not present. Survivors will not be left alone without adequate assurance they are capable of coping by themselves or within the context of their family unit.

The Public Information Officer should provide the following:

- A. A designated assembly area for the media

1021.6 ASSISTING SURVIVORS AT THE SCENE OF THE INCIDENT

If an officer dies at the scene and their body is not immediately removed, the arrival of survivors will be anticipated. Survivors will be handled respectfully and compassionately, while maintaining safety and preserving the integrity of the crime scene. The incident commander will prepare for the arrival of survivors by alerting traffic and perimeter personnel. A location will be designated for the

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survivors away from others. If the survivors request to view the deceased officer, arrangements should be made to do so - preferably in the back of an ambulance prior to transport.

1021.6.1 RELEASE OF BODY, AND FUNERAL HOME

The Department will require an autopsy in the event of a line of duty death. Once the body is released, the Family Liaison Officer will provide the name of the funeral home the survivors have selected and arrange for transport. The Department will provide a motorcade to accompany the officer's body from the hospital or other location to the chosen funeral home.

1021.6.2 RELEASE OF OFFICER'S NAME

Due to the rapid spread of information, the Department will release the officer's name as soon as possible. Official release of the name should occur after the following:

- (a) The survivors have been notified
- (b) Extended family has been contacted
- (c) Survivors have been notified the officer's name is about to be released
- (d) Officers with information regarding the incident are ordered to withhold any information related to the death
- (e) Department staff are officially notified of the officer's name via internal communication
- (f) Officers contact their loved ones, but will not release information regarding the death

When the media is provided with the officer's name, the Public Information Officer will provide the officer's rank, years of employment, age, and gender.

1021.6.3 MEDIA

The Public Information Officer will ensure that exchanges with the media are handled appropriately and professionally. This will include drafting and releasing official statements and organizing press conferences. Department personnel will be reminded of the limitations on any statements they may make to the media. Personnel will refer media inquiries to the Public Information Officer.

Social media will be used to disseminate accurate and timely information and to correct any potential misinformation that has been released via unofficial sources. The Public Information Officer will monitor social media for any information regarding the death that may prove useful in future investigations.

The Public Information Officer will work closely with supervisors to assist with media inquiries. The Family Liaison Officer will notify the Public Information Officer if the survivors would like to speak on their own behalf. If so, the Public Information Officer will communicate to media representatives he/she is the official point of contact for media inquiries or interview requests.

1021.6.4 FUNERAL

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The decisions and wishes of the survivors will be honored above all else. The Funeral Liaison will be assigned and coordinate all funeral logistics to include ensuring travel and lodging arrangements are made for out of town survivors.

The funeral liaison will provide survivors information regarding bereavement travel and local hotels that offer discounts in this situation. The funeral liaison will secure appropriate accommodations as requested.

Due to the large number of individuals attending a funeral or viewing, with the survivors permission, a venue should be secured that will accommodate a large crowd. The Family Liaison will speak with the survivors to determine whether they have a church preference and to explain the details of a law enforcement funeral.

The funeral liaison will coordinate responsibilities for the overall arrangement of the funeral and act as a point person among the Department, survivors, and other organizations and vendors involved in the funeral. The location of the funeral will have an adequate public address system. The funeral liaison should be prepared to coordinate the logistics involved in holding a potentially highly attended event to include parking, traffic control, and security.

The funeral liaison will be responsible for coordinating with the appropriate personnel to provide law enforcement specific funeral services. The funeral liaison will clearly define the options that are available to the family to include protocols such as a flag-draped casket, color guard, uniformed pall bearers, death watch, procession, bugler or bagpiper, and other details. The survivors will choose if they would like to modify or eliminate certain aspects of the ceremony or choose to conduct a traditional ceremony.

The funeral liaison will request that other agencies provide advanced notice of their intentions to attend the funeral. A record will be kept of all law enforcement agencies that send delegations, and letters of condolence. If videotapes or still photographs are taken at the funeral, the funeral liaison will acquire copies for the survivors.

1021.6.5 BENEFITS COORDINATION

The Department will provide the survivors with a Benefits Coordinator to who will provide information regarding health, welfare, and death benefits. The benefits coordinator will:

- A. Determine the scope of the survivor's death benefit
- B. Understand the procedures and paperwork requirements needed to initiate benefit payments and services;
- C. Prepare and file all necessary paperwork related to benefits on behalf of the survivors, to include worker's compensation claims;
- D. Be knowledgeable concerning the specifics of benefits that survivors may qualify for;
- E. Maintain contact with the survivors and provide information regarding:
 1. Benefits processes, including reasons for delays;
 2. Current status of claims;

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3. Nature and amount of benefits that may be received by each individual;
 4. Schedule of payments;
 5. Names and contact information of individuals at each benefit or payment office; and
 6. Appeals process, if necessary.
- F. Inform survivors of the tax status of the monies they receive;

Department officers will review their benefits packages and make appropriate and timely changes in terms of beneficiaries, coverage, and related matters. Law enforcement officer's survivors may be eligible to receive monetary compensation from the Bureau of Justice Assistance Public Safety Officers' Benefits (PSOB) program. PSOB provides a one-time benefit to eligible survivors of public safety officers whose deaths were a direct and proximate result of an injury sustained in the line of duty.

The Department will have written procedures that specify the eligibility of survivors to receive compensation for the officer's unused sick leave, annual leave, and compensatory time.

1021.6.6 SURVIVOR SUPPORT

The well-being of survivors will be of paramount importance. The Department will ensure the survivor's wishes are being respected and honored. A Family Liaison Officer will be assigned to provide support to the survivors and convey their wishes to the line of duty death team. The Family Liaison Officer will work with the family throughout the event and continue to do so for as long as the survivors wish.

Support to the survivors includes:

- A. Assisting with resources for emotional trauma;
- B. Keeping survivors abreast of the course of criminal investigation, hearings, and related proceedings;
- C. Progress of the investigation;
- D. Assist survivors in attending hearings and making statements if they wish to do so;
- E. insure the officer's parents are receiving information and are offered the same consideration and assistance as the children, wife, husband, or partner;
- F. Be available to the survivors and act as a sounding board for their feelings and concerns;
- G. Be able recognize the need for professional assistance and refer survivors to seek help;

1021.7 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

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Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1021.8 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1021.9 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

CALEA 22.1.5

TEMPORARY/ROTATING ASSIGNMENTS

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth procedures for announcing, selecting and evaluating temporary, specialized positions or assignments within the department.

1022.2 PROCEDURE

It is the policy of the Duluth Police Department to provide personnel with career opportunities by providing positions for specialized assignments. The department will give notice of these job openings, as well as provide personnel with means for applying for available positions.

A. Announcing Openings

(a) The department will announce anticipated specialized position openings by department directive sent to all sworn employees. This directive will provide the following information:

1. The designated position/title opening
2. The job specifications
3. How many positions are available
4. Duration of assignment
5. The criteria for selection of personnel and
6. A description of the selection procedures

B. Selection Process

(a) The appropriate command staff overseeing the unit or specialized assignment will conduct a selection process of all eligible candidates. The selection process should include a review of work product, performance evaluation, and interview process and any other performance-based testing that is determined to be appropriate by the Deputy Chief overseeing the area being filled.

C. Evaluation of temporary/rotating assignments

(a) On an annual basis the supervisor assigned to each temporary/rotating assignment will complete an employee review per city policy. The review will assist in determining if any changes should be made to personnel assigned to temporary/rotating assignments.

CALEA 11.5.1

Promotions

1044.1 PURPOSE

A policy is established to inform employees of the promotional process utilized to fill vacant supervisory positions in the Duluth Police Department.

1044.2 PROCEDURE: PROMOTIONAL PROCESS

A. The Chief of Police or designee, in conjunction with the City of Duluth Civil Service Commission and the Human Resources Department shall have the authority to administer and be responsible for the promotional process for personnel within the Police Department. The Chief of Police or designee shall work in concert with the Human Resources Department and the Civil Service Commission to establish a written testing mechanism and/or an oral exam panel that accurately measures the knowledge, skills, and abilities of personnel to be successful in the supervisory role they are seeking.

B. Minimum eligibility requirements to apply for a promotion to sergeant shall be as follows:

1. A minimum of four (4) years of experience as a sworn officer with the Duluth Police Department, and possession of an Associate's Degree; or three (3) years of experience as a sworn officer with the Duluth Police Department, and possession of a Bachelor's Degree. Time in grade will be determined from hire date to the close of the application period as stated in the promotional posting.
2. A minimum of an associate's degree with at least 60 semester hours or equivalent from an accredited college or university.

C. Minimum eligibility requirements to apply for promotion to Lieutenant shall be as follows:

1. Seven years of experience as a sworn officer, and a minimum of two (2) years of experience at the rank of police sergeant for the Duluth Police Department. Time in grade will be determined from date of promotion to the close of the application period as stated in the promotional posting.
2. A minimum of an associate's degree with at least 60 semester hours or equivalent from an accredited college or university.
3. Experience with problem-oriented policing and a proven track record of call/crime reduction strategies and a strong emphasis on service delivery through partnerships, problem solving, prevention, and accountability.

D. The testing process for the position of sergeant shall be conducted as follows:

1. The written test and/or oral exam shall be administered by the Chief of Police or designee in conjunction with the City of Duluth Human Resources Department.
2. The minimum passing score for the written test and/or oral exam shall be established by the Human Resources Department and shall be included in the posting.

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E. The oral interview process for the position of sergeant and lieutenant shall be conducted as follows:

1. The written test and/or oral exam shall be administered by the Chief of Police or designee in conjunction with the City of Duluth Human Resources Department.
2. The interview panel shall consist of Human Resource Department personnel and area law enforcement personnel. The oral interviews will consist of a panel of interviewers asking a series of questions. The response to each question shall be scored by each interviewer or the interview panel will have a consensus score for each question.
3. Minimum passing score for the oral interview shall be established by the Human Resources Department and shall be included in the posting.

F. Promotional lists shall be established in accordance with Civil Service Rules and Regulations. The promotional lists shall be established as follows:

1. Promotional list(s) shall be established from passing scores received on the oral board interview.
2. Each candidate shall be ranked on the applicable promotional list from highest to lowest score. Ties shall be addressed according to Civil Service Rules and Regulations.
3. Promotional lists shall be valid for a period of six (6) months from the date of certification by the Civil Service Commission.

G. Once a certified promotional list has been established by the Civil Service Commission, the Chief of Police may appoint any employee on the certified list to fill vacant positions. The Chief shall evaluate the promotional potential of each candidate on the certified list and select the most qualified employee for promotion based on their knowledge, skills, and ability to perform the duties of the job. The Chief may query current staff members to receive input as to the promotional potential of each candidate but the promotional decision shall be made by the Chief of Police. The Chief shall consider the following areas when determining the promotional potential of each candidate:

1. Work history
2. Educational background
3. Experience
4. Communication skills
5. Integrity
6. General knowledge, skills, and abilities

H. All testing elements used to evaluate candidates for promotion shall be job related and nondiscriminatory.

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I. Candidates failing to be selected for promotion shall be eligible to reapply during the next promotional process.

J. Material used in the promotional process, such as test questions and answer sheets, shall be stored in a secured area by the Human Resources Department or if applicable, by the agency utilized to perform the testing. Only those with legitimate need will be allowed to view these items and only while under the supervision of the Human Resources Director or designee or representatives of the testing agency.

K. Candidates shall have the right to review and appeal the results of a promotional process as stated in the Duluth Civil Service Commission rules and regulations.

L. Current employees of the Department that are promoted are subject to a one (1) year probationary period at that rank.

CALEA 34.1., 34.1.2, 34.1.3, 34.1.4, 34.1.5, 34.1.6

EMPLOYEE EVALUATIONS

1045.1 PURPOSE AND SCOPE

The Duluth Police Department recognizes the value of an unbiased and fair employee evaluation. Department staff members shall administer an employee evaluation system designed to assist employees with their on-the-job performance of assigned duties. Properly conducted employee evaluations supports each individual's contribution to the organization, his/her personal development and reviews the areas of achievements, improvements needed, goals and growth opportunities.

1045.2 PROCEDURE

The employee evaluation system utilized by the Department shall be developed and maintained by the City of Duluth Human Resources Department.

All supervisory personnel shall receive training on how to conduct an employee evaluation.

A. Supervisors shall cover the following areas in an employee evaluation:

1. Attendance/punctuality
2. Productivity/Initiative
3. Work quality
4. Customer Service
5. Professionalism
6. Teamwork/relationships
7. Problem solving skills
8. Safety
9. Decision-making

B. The employee evaluation shall adhere to the following guidelines:

- (a) The evaluation shall cover a specific time period.
- (b) Employee evaluations will be completed and delivered to HR, per City policy, by March 31st each year.
- (c) Explanatory comments must accompany each performance evaluation question.
- (d) Each employee evaluation shall be reviewed and signed by the employees supervisor.
- (e) Employees shall sign the evaluation as acknowledgement of receipt
- (f) Employees shall be allowed to make written comments to supplement the completed employee evaluation. The comments shall be restricted to the contents of the evaluation.
- (g) A copy of the completed employee evaluation shall be provided to the employee and to HR, per HR directions.

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(h) If an employee contests an evaluation they can do so in writing and the evaluation will be reviewed by the employees next level of supervision to determine if any changes should be made to the evaluation. If the employee declines to sign the evaluation the supervisor shall note this in writing

C. All original copies of employee evaluations shall be retained by the City of Duluth Human Resources Department. Copies of the evaluation shall be retained as part of the employees, employee file. Access to employee evaluations shall be restricted to those with a right and a need to know.

D. The Department shall require an annual employee evaluation on all full-time and part-time sworn and non-sworn employees.

E. During the annual employee performance evaluations, supervisors shall meet in person with the employee and discuss the evaluation.

F. Employee evaluations shall be reviewed by the next level of supervision to verify the quality of the evaluation, Lieutenants will review Sergeants evaluations, Deputy Chief's will review Lieutenants evaluations. If any problems, inconsistencies, or errors are discovered, the supervisor of the rater responsible for the evaluation shall address the concerns with the rater and the two shall come to an agreement on what is an accurate and fair evaluation.

G. If an employee's performance is deemed unsatisfactory, they shall be advised in writing and the notice of unsatisfactory performance shall be accompanied by a performance improvement plan discussing what actions are needed by the employee to correct the unsatisfactory job performance.

H. The Chief is exempt from this policy and will be evaluated by the CAO for the City of Duluth

CALEA 35.1., 35.1.2, 35.1.4, 35.1.5, 35.1.6, 35.1.7, 35.1.8

RECRUITMENT OF POLICE DEPARTMENT PERSONNEL

1046.1 PURPOSE AND SCOPE

The Duluth Police Department (DPD) recognizes the importance of character-based hiring. We strive to hire mature, even-tempered, intelligent, and honest personnel for all positions in the police service to the community. Toward that goal, the department will maintain and update a comprehensive recruitment program designed to attract the most qualified individuals for all positions within the department.

The DPD will maintain an active recruitment program. Department members actively participate with both the City of Duluth Human Resource Department and the Civil Service Commission in seeking the best possible candidates for establishing Civil Service lists and filling of all Civil Service vacancies within the department.

1046.2 AUTHORITY AND RESPONSIBILITY

The DPD actively conducts and participates in the recruitment of full-time sworn employees. The City of Duluth Human Resources Department, along with the DPD, will conduct testing and certify a list of qualified police officer applicants as provided by law.

1046.3 PROGRAM RECRUITING

The primary personnel filling this role will be officers assigned to the Professional Standards Unit, which is primarily responsible for recruitment, hiring and training for the DPD. Department personnel will occasionally be assigned to act in the role of a recruiter for the department to assist the Professional Standards Unit. Prior to this assignment, personnel will be briefed in the following areas:

- Recruitment needs and commitments
- Career opportunities, salaries, benefits, and training
- Federal and state compliance guidelines
- Demographics of the community, its needs, its organizations, and its educational opportunities
- Cultural awareness of the community and any ethnic groups present in the community
- Techniques of informal record keeping systems for candidate tracking
- Selection process and what is included
- Recruitment programs of other jurisdictions
- Characteristics that typically disqualify candidates

All department personnel are encouraged to actively engage in recruiting at their individual level and they will be notified via email when recruitment is starting.

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1046.4 RECRUITMENT PLAN

During the course of an active recruiting campaign, personnel assigned to the recruiting program shall contact various community organizations and leaders seeking their assistance, referrals, and/or advice with reference to the department's recruitment program. The department shall also request permission to post job announcements with agencies that are in contact with individuals who are likely candidates for the DPD. [31.3.2]

The department may send recruiters to area schools for the purpose of discussing law enforcement career opportunities and recruiting interested candidates. The department may arrange visits to educational institutions during an active recruitment program, or at the request of school officials. Area schools should be considered for participation in this program and should not be limited by the geographic borders of Duluth or St. Louis County.

At the beginning of an active recruitment campaign, Administrative Operations Division shall be responsible for submitting a report to the Chief of Police outlining the recruiting effort.

Annually, the DPD's Recruitment Plan of full-time sworn personnel will be reviewed and updated by the Deputy Chief of Administrative Operations. The Recruitment Plan shall outline agency steps to achieve the goal of an ethnic, racial, and gender workforce composition in the sworn law enforcement ranks in approximate proportion to the makeup of the available workforce in the law enforcement agency's service community. The recruitment plan shall include the following:

- Statement of objectives
- Plan of action designed to achieve the objectives stated above
- Identify employees, inside or outside the agency, responsible for plan administration

1046.5 LATERAL HIRES

Applicants who are sworn peace officers and meet the requirements to be licensed as a police officer per MN POST requirements.

Currently sworn law enforcement officers (Lateral) that are hired within this policy will be placed in a pay step consistent with the DPD 807 Contract. Lateral transfer applicants will follow the same requirements as our normal hiring process with a background check, physical, and psychological evaluation prior to final offers of employment. Lateral hires from MN must have three years' experience. Lateral hires from outside of MN must have a minimum of three years' experience and be considered "eligible to be licensed" as defined by the Minnesota Police Officer Standards and Training Board.

1046.6 ANNOUNCEMENTS

All job announcements authorized and distributed by the department shall include, at a minimum, the following:

- Description of the duties and responsibilities pertaining to the advertised position
- Listing of the requisite skills, education, and physical requirement
- Veteran's Preference

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- Statement indicating that the department/City is an Equal Employment Opportunity (EEO) employer
- Filing deadline

1046.7 APPLICANT CONTACT

Throughout the entire application and testing process, the Professional Standards Unit of the Duluth Police Department and/or the City of Duluth Human Resource Department shall maintain contact with job candidates in order to keep them abreast of their current application status.

1046.8 EQUAL EMPLOYMENT OPPORTUNITY

The purpose of the Equal Employment Opportunity (EEO) Plan is to ensure that the department's employment practices are in compliance with Federal statutes and standards governing discrimination in employment.

The City of Duluth's Employee Bridge website and the City of Duluth's website provides access to Personnel Policies and contains the City's Equal Employment Opportunity (EEO) Policy Statement, conditions of employment, wages and benefits, grievance procedures, and record and report procedures related to employment practices.

1046.9 MINORITY RECRUITMENT

It is an objective of the DPD to reflect the community we serve. The department will analyze the workforce annually and compare the results with the latest data provided by the U.S. Census Bureau. The DPD will work towards keeping, maintaining, and exceeding a workforce that reflects the diversity of the City of Duluth.

1046.10 RECRUITMENT EVALUATION REPORT

Annually, the Deputy Chief of Administrative Operations, or their designee, will conduct an analysis on the previous year's Recruitment Plan and submit it to the Chief of Police. The analysis will include the following:

- Progress toward the stated objectives
- Results of recruitment efforts, i.e. number of applicants and their demographics, along with number of successful hires compared to the total available workforce.
- Revisions to the Recruitment Plan
- Demographic data of sworn personnel

CALEA 31.1.1, 31.1.2, 31.2.1, 31.2.2, 31.2.3, 31.3.1, 31.3.2, 31.23.3

DULUTH POLICE DEPARTMENT SELECTION PROCESS

1047.1 PURPOSE AND SCOPE

It is the policy of the Duluth Police Department (DPD) that all elements of the selection process for all personnel be administered, scored, evaluated, and interpreted in a uniform manner within the classification. For sworn officers the selection process will adhere to rules and regulations as established by the City of Duluth Civil Service Commission (hereafter referred to as the Commission).

This policy sets forth the guidelines and procedures of the entry level selection process for sworn personnel. The intent is to establish elements that are carried out consistently for all police officer candidates.

1047.2 PROCEDURE

All elements of the selection process for sworn personnel will use only those rating criteria or minimum qualifications that are job related as delineated by the department's job description for that position.

At the time of a formal application, candidates for all positions will be informed in writing of:

- All elements of the selection process to include notification of ineligibility.
- The expected duration of the selection process
- That candidates may re-apply during the next hiring cycle.

1047.2.1 SELECTION PROCESS ELEMENTS AND ACTIVITIES

The entry level selection process for sworn employees is comprised of several elements, which may include written tests, structured interview, background examination, medical examination to include drug screening test and a psychological assessment.

The entry level selection process for non-sworn employees is comprised of several elements including an interview process, background investigation, and drug test. The selection process for the DPD's entry level sworn positions are identical for all applicants.

Any written test will be evaluated and interpreted as an element of the overall examination. All testing aspects, including instructions, problems, answer sheets and scoring formulas, shall be the same for all candidates.

The DPD is an equal employment opportunity (EEO) organization.

No candidate seeking an entry-level sworn position will be appointed, reduced, removed or in any way favored or discriminated for or against, because of their political, racial, religious opinions or affiliations, gender, age, except for membership in an organization which has advocated, or does advocate, the overthrow of the Government of the United States, or of this State, by force or violence.

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DULUTH POLICE DEPARTMENT SELECTION PROCESS

1047.2.2 BACKGROUND INVESTIGATION

The department conducts thorough and lawful background investigations of all entry-level candidates prior to a conditional job offer.

All background investigations will be conducted in a manner to protect the constitutional rights of the candidate; and personnel used to conduct background investigations are trained in collecting required information.

Areas to be investigated include, but are not limited to:

- Personal identifying information;
- Verification of personal and professional references;
- Criminal records;
- Motor vehicle operation record or status;
- Education;
- Residence history;
- Employment history;
- Financial history;
- Verification of qualifying credentials.
- Review of social network history
- In-home visit and evaluation to include discussion with spouse or significant other.
- Interview with friends, family, and associates
- Review of relevant national or state decertification resources if available

The assigned investigator will prepare a background investigation report that summarizes their findings. They will forward the report and the background investigation file to the Administrative Operations Commander for review.

The Chief of Police will make the final determination of suitability for employment.

1047.2.3 CONDITIONAL OFFER OF EMPLOYMENT

The conditional offer of employment will then be made to the candidate and is conditional on the successful completion of:

- Medical-Physical examinations and Drug Screen Examinations
- Psychological Examinations

1047.2.4 MEDICAL, AND DRUG SCREEN EXAMINATIONS

Pre-employment medical and drug screen examinations are scheduled through the City of Duluth.

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Each entry-level candidate who is given a conditional offer of employment must voluntarily submit to the examinations.

Results are confidential and provided to the Administrative Deputy Chief or their designee.

1047.2.5 STORAGE/SECURITY OF SELECTION MATERIALS

Current selection materials are confidential and will be securely stored in the DPD's Administrative Operations Division or City of Duluth Human Resources in compliance with Federal, State and local laws governing the data contained within these materials. Materials will be disposed of in a manner that prevents the disclosure of the information within.

Records involving medical, physical and psychological assessments will be held in compliance with Federal, State and local laws governing this data and disposed of in accordance to Federal, State and local laws.

Records of candidates, for any position determined to be ineligible for appointment will be disposed of as provided by records retention regulations.

CALEA 31.4.1, 31.4.2, 31.4.3, 31.4.4, 31.4.5, 31.4.6, 31.4.7, 31.4.8, 31.5.1, 31.5.2, 31.5.6, 31.5.7

Entry Level Training

1048.1 COMMUNITY SERVICE OFFICER (CSO) AND COMMUNITY SERVICE OFFICER INTERN (CSO-I)

The Community Service Officer (CSO) and Community Service Officer Internship (CSO-I) consist of non-sworn employees.

Program eligibility and job duties are outlined in the CSO and CSO-I job descriptions completed by the City of Duluth Human Resources department. Per job description CSO's may work 13.5 hours per week. CSO-I's may work an average of 30 per week over the course of the year.

All CSO's and CSO-I's will complete an initial orientation appropriate for their position. At minimum the training will include:

- Completion of applicable city trainings
- Completion of state certifications
- Review and completion of CSO Expectations

Initial orientation trainings shall be completed within the first month of employment.

Ongoing training will at minimum include:

- Completion of CSO training sign off
- Review of applicable city and department policies

The number of hours for ongoing training shall be determined by the unit leader.

Training will be administered by designated personnel for all requirements in the CSO & CSO-I job description.

CSO's and CSO-I's may also request specialized and advanced training for related skills necessary to job functions and career development. All requests will be routed through there supervisor to the Administrative Sargent.

CALEA 33.4.4

CAREER DEVELOPMENT TRAINING AND SPECIALIZED TRAINING

1049.1 PURPOSE AND SCOPE

The Duluth Police Department (DPD) recognizes that career development is essential to job satisfaction as well as to efficient, effective, and productive job performance. The department encourages employees to seek opportunities to develop their skills, knowledge, and abilities.

1049.2 CAREER DEVELOPMENT PROCEDURE

Objectives of career development include, but are not limited to the following:

- Providing an opportunity for all employees to develop their careers.
- Providing an opportunity for each employee to acquire new skills, which may enhance their abilities to provide police service to the community.
- Ensuring that all employees complete mandated in-service training in a timely manner.
- Providing career developmental counseling and guidance to each employee in conjunction with the performance appraisal process.
- Providing employees who possess certification in particular skill areas with opportunities to renew their certification and/or increase their skills.

1049.3 CAREER COUNSELING PROCEDURE

Career counseling is a vital component of the Career Development Protocol. In addition, counseling is an integral part of employee appraisal, and the process of setting and achieving both departmental and individual goals and objectives.

Supervisors, in employee yearly evaluation, should identify individual employee strengths and weaknesses and assist the employee in developing a plan for self-improvement. A timetable for performing key activities should be established. The appraisal form will be used for this process with comments being made as to attainment of mutually agreed upon objectives.

The DPD Duluth Employee Enrichment Program, (DEEP) should be discussed and evaluated for all patrol officers who wish to expand their knowledge, see policy 1003.

1049.4 TRAINING FOR NEWLY PROMOTED

Management and supervisory training are an important element of career development and a factor in enhancing a member's overall potential for upward mobility. Newly appointed supervisors should have, prior training, or will complete training on topics to include but not limited to ethics and integrity, leadership and employee development within the first year of promotion.

1049.5 SPECIALIZED TRAINING

All specialized training for the below functions includes instruction in the specific tasks associated with the assignment, identified through a job task analysis. The formal classroom training will be supplemented by:

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CAREER DEVELOPMENT TRAINING AND SPECIALIZED TRAINING

- Supervised, on-the-job training
- Additional advanced classroom instruction, as necessary

Specialized training provided to department members shall include, at a minimum, the following:

- Development and/or enhancement of the skills, knowledge, and relevant abilities of the particular function or component.
- Familiarization with the application and theories of management, administration, supervision, personnel policies, and the support services associated with the function or component.
- Definition of the department policies, procedures, rules, and regulations that specifically impact on the position or assignment.

Accident Investigator

- Certified peace officer for a minimum of two years
- Receive certification in Traffic Crash Reconstruction
- Complete training in Forensic Mapping (Total Station)

Crime Scene Unit Technician

- Certified peace officer for a minimum of 2 years
- ANAB Accreditation for Forensic Inspection Unit (Latent Print Examination)
- Crime Scene Investigator Certification

Internet Crimes Against Children (ICAC) Investigator

- Certified peace officer for a minimum of two years

Training and certifications will be completed to use the tools necessary to conduct investigations, including forensic examinations of electronics.

Evidence Technician

- IAPE for Property and Evidence Specialist Certification

K-9 Officers

- Certified peace officer for a minimum of two years
- Successful completion of current nationally recognized standards/certification

In-House Trainers

Trainers within the department must hold current certification for the area of training they will provide. These trainings include, but are not limited to:

- Tasers – Axon/Taser
- Less Lethal – Safariland Training Group
- Chemical Munitions – Safariland Training Group

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CAREER DEVELOPMENT TRAINING AND SPECIALIZED TRAINING

- Mobile Field Force – training as required by FEMA
- Verbal Judo – Verbal Defense & Influence
- Excited Delirium – Institute for Prevention of In-Custody Deaths & Excited Delirium
- Standardized Field Sobriety Test – National Highway Traffic Safety Administration

CALEA 33.6.1, 33.8.1, 33.8.2, 33.8.3

Recruit Training Program

1050.1 PURPOSE AND SCOPE

The Duluth Police Department's ultimate goal of the Recruit Training Program (RTP) is to provide training, coaching, and performance assessment in an attempt to develop a law enforcement officer capable of delivering solo patrol services to the citizens of Duluth. Recruits will receive the highest quality training in the safest manner possible, in order to prepare them to deliver the highest level of service.

The goal of the Duluth Police Department Recruit Training Program is to help qualified recruits reach their potential as State of Minnesota certified peace officers while adhering to the requirements set forth by the State of Minnesota. (MN Post Board)

It is the responsibility of the Duluth Police Department Recruit Training Program to provide a safe learning environment while at the same time providing realistic, rewarding, and practical training to prepare the recruit for their career in law enforcement. It is the recruit's responsibility to respond to training in a positive manner, meet the expectations set through their course of studies, and graduate to begin a respectful and professional career.

1050.2 PROCEDURE

The training coordinator handles the day-to-day operation of the (RTP), managing the curriculum, facilities, instructors, students, performance evaluations, etc. The training coordinator may be assisted by other members of the training staff, both sworn and non-sworn, to include employees of the DPD and other agencies, organizations, or entities.

An orientation handbook will be issued to all new recruits when the program begins. Updates will be distributed throughout the length of the program. DPD personnel will also attend a new hire orientation with the City of Duluth Human Resources, during the training program.

1050.3 FUNCTION

The function of the Duluth Police Department Recruit Training Program is to prepare recruits for police service within the community of Duluth. Recruits entering the program are assumed to have all the necessary academic and physical qualifications necessary to become MN POST active law enforcement officers. The program philosophy is based on the concept of "training in" rather than "screening out" recruits. Throughout the training, every attempt will be made to develop every officer in a thorough and consistent manner. Effective instruction and guidance is built upon a foundation of open and frank discussions between the recruit, field training unit members, and the department's command personnel. At the completion of the program, recruits should be able to function effectively as highly skilled independent performers. The education of recruits will be a "hands-on" learning style and requires that an active role be taken by the recruit. This will be accomplished via classroom instruction, demonstration, and scenarios pertaining to the law enforcement field. The recruit will be responsible for participating in their own learning. In some cases, it may be necessary for recruits to more fully develop skills on their own during their own time. Any deficiencies that are identified will be documented along with a plan to address

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Recruit Training Program

problems and/or a proposed solution. Only after repeated, unsuccessful attempts to correct a problem will a recruit be considered for termination.

1050.4 RECRUIT TRAINING PROGRAM LEARNING OBJECTIVES/OUTCOMES

After successful completion of the Recruit Training Program, the Police Recruit should have knowledge of the following;

- Know and understand the concepts and the application of the use of force statute and policy. The Recruit should be proficient in the use of communication skills, defensive tactics, chemical agents, and firearms. The Recruit should be able to apply these skills within the spectrum of the use of force continuum.
- Know and understand the concept, theory, and application of fitness training as it applies to diet, aerobic conditioning and strength training. Demonstrate a fitness level appropriate for being able to protect themselves and others.
- Know and understand the basic concepts and law enforcement approaches to civil, criminal, juvenile, constitutional, and procedural law. The Recruit should be able to apply that knowledge to enforce the criminal code, state statutes of the State of Minnesota, and the ordinances of the City of Duluth within the boundaries of constitutional and procedural law.
- Know and understand the theories and approaches to crime scene investigations, and the collection and preservation of evidence and property.
- Know and understand the theory and application of interviewing, note taking techniques, and report writing skills.
- Know and understand the importance of the team approach to law enforcement in the Duluth Police Department through the study of the interdependence of the units and agencies involved in successful crime prevention and criminal prosecution including but not limited to: federal, state, county and city agencies.
- Understands the importance of ethical conduct both on and off duty as members of the Duluth Police Department and will demonstrate that knowledge through strict adherence to the rules and regulations at all times.

CALEA 33.4.1, 33.4.2

Training Committee

1051.1 PURPOSE AND SCOPE

The purpose of this section is to establish a Training Committee to assist in developing and evaluating training for the department. The Training Committee will serve as a means for department representatives to effectively communicate training needs to command staff.

1051.2 PROCEDURE

Composition of the Committee

The Training Committee will be composed of the following:

- Professional Standards Unit Lieutenant
- Professional Standards Unit Sergeant
- Professional Standards Unit Investigator(s)
- Additional Duluth Police Department staff as department needs arise

Training Committee members will be selected and/or replaced as follows:

- By the Chief of Police or his/her designee as needed
- As department needs arise

The Training Committee shall report to the Administrative Deputy Chief.

Responsibility

The Training Committee will serve as an advisory committee only. The committee will evaluate and review current training and develop and recommend training goals for the department.

The Training Committee will meet at least annually to review:

- Employee and operational training needs
- Legal and accreditation requirements for training
- New legislation
- Recent court decisions
- Changes in department policy related to training needs
- Evaluations of individual training programs, including any problems with training quality, materials or scheduling
- Number of employees trained and the extent of the training provided

It will be the responsibility of the Professional Standards Lieutenant to facilitate meetings. Upon review of the Training Committee reports, the Administrative Deputy Chief or the Chief of Police may direct the Professional Standards Unit to facilitate the implementation of any of the Training

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Training Committee

Committee recommendations that the Chief has determined promotes the mission, goals, and/or professionalism of the department.

CALEA 33.1.1

Military Deployment and Reintegration

1052.1 PURPOSE AND SCOPE

Military deployment of personnel offers unique challenges to the employee as well as the agency. The Duluth Police Department recognizes these challenges and is committed to making the transition to and from military deployment as seamless as possible.

1052.2 PROCEDURE

It is the policy of the Duluth to provide military leave for its employees in compliance with local, state and federal regulations. This policy will focus only on the departure and return process and procedures for leaves exceeding 180 days.

A. GENERAL

The provisions of this policy shall only apply to personnel with military activations exceeding 180 consecutive days for pre-deployment, deployment and post deployment.

Employment benefits afforded personnel for military leave are outlined in the appropriate CBA and city policy.

The department and employee shall comply with all applicable state and federal regulations in regard to employee and employer rights, responsibilities, and minimum requirements.

B. Point of Contact

The Lieutenant of the affected employee shall be the point of contact within the Department. It shall be the Lieutenant's responsibility to ensure all requirements of the policy are completed by the affected employee.

The Human Resources Director or designee shall be the point of contact for the employee reference benefits related questions.

C. Out Processing

Unless the deployment is made in emergency circumstances with little or no notice, all employees shall complete the following tasks.

Employees shall submit official orders to their Lieutenant as soon as possible. Employees shall participate in an exit interview with their Lieutenant. The exit interview shall include but not be limited to the following topics:

- (a) Projected length of deployment and anticipated date of return to employment
- (b) Anticipated assignment changes or promotional opportunities to occur while the employee is deployed.
- (c) Establishing means of communication with the employee while deployed. To the extent possible, these means of communication will be used to notify the deployed employee of department news, significant events, or promotional opportunities. If means of

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Military Deployment and Reintegration

communication change during a deployment, it shall be the employee's responsibility to notify the department of the change.

Employees shall store all department issued equipment with the exception of uniform clothing in their department issued locker. The Lt. overseeing Professional Standards will secure the locker with a department lock until the deployed employees reintegration with the department occurs.

D. In Processing

Employees returning from leave are required to contact their Lieutenant to communicate their expected return to duty date.

Officers will remain on light duty until the following are satisfied:

- (a) All mandatory trainings are completed.
- (b) Any additional trainings that may apply are completed.
- (c) All updated policies have been signed off.

The Chief of Police, designee, or Lieutenant will conduct a reintegration interview with returning employees to include a review of all employee assistance programs (ex: EAP, PEER Support) and after all updates, re-certifications and qualifications have been completed to determine the appropriate date for full duty.

CALEA 22.1.9

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Attachments

Attachment A.pdf

Model Sexual Assault Investigation Policy 02.16.21.pdf

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;
- b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;
- c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

- (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
- (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
- Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection

Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:

 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.
- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 - b. Collect biological and trace evidence from the suspect's body;
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions

**Model Sexual Assault
Investigation Policy 03-03-21.pdf**

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;
- b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;
- c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

- (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
- (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian pursuant to 260E.22 can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minnesota Statute Section 260E.06 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

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- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
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 - d. Ask the victim for a signed release for access to medical records from the exam.
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H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

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 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
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- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 - b. Collect biological and trace evidence from the suspect's body;
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
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- 4) Interviewing decisions

Eyewitness Identification Procedures Model Policy.pdf

EYEWITNESS IDENTIFICATION PROCEDURES MODEL POLICY

Minn. Stat. 626.8433

POLICY:

Officers shall adhere to the procedures for conducting eyewitness identifications set forth in this policy, in order to maximize the reliability of identifications, minimize erroneous identifications, and gather evidence that conforms to contemporary eyewitness identification protocols. Photo arrays and line-ups will be conducted by displaying the suspect and fillers sequentially using a blind or blinded administration.

Purpose:

It is the purpose of this policy to establish guidelines for eyewitness identification procedures involving show-ups, photo arrays, and line-ups. Erroneous eyewitness identifications have been cited as the factor most frequently associated with wrongful convictions. Therefore, in addition to eyewitness identification, all appropriate investigative steps and methods should be employed to uncover evidence that either supports or eliminates the suspect identification.

Definitions:

Show-up: The presentation of a suspect to an eyewitness within a short time frame following the commission of a crime to either confirm or eliminate him or her as a possible perpetrator. Show-ups, sometimes referred to as field identifications, are conducted in a contemporaneous time frame and proximity to the crime.

Line-up: The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

Photo Array: A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.

Administrator: The law enforcement official conducting the identification procedure.

Blinded Presentation: The administrator may know the identity of the suspect, but does not know which photo array member is being viewed by the eyewitness at any given time.

Confidence Statement: A statement in the witness's own words taken immediately after an identification is made stating his or her level of certainty in the identification.

Filler: A live person, or a photograph of a person, included in an identification procedure who is not considered a suspect.

Sequential: Presentation of a series of photographs or individuals to a witness one at a time.

Simultaneous: Presentation of a series of photographs or individuals to a witness all at once.

Procedure:

1. Show-ups

The use of show-ups should be avoided whenever possible in preference to the use of a lineup or photo array procedure. However, when circumstances require the prompt presentation of a suspect to a witness, the following guidelines shall be followed to minimize potential suggestiveness and increase reliability.

- a. Document the witness's description of the perpetrator prior to conducting the show up.
- b. Conduct a show-up only when the suspect is detained within a reasonably time frame after the commission of the offense and within a close physical proximity to the location of the crime.
- c. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.
- d. If possible, avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or physically restrained by officers, unless safety concerns make this impractical.
- e. Caution the witness that the person he or she is about to see may or may not be the perpetrator—and it is equally important to clear an innocent person. The witness should also be advised that the investigation will continue regardless of the outcome of the show-up.
- f. Do not conduct the show-up with more than one witness present at a time.
- g. Separate witnesses and do not allow communication between them before or after conducting a show-up.
- h. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.
- i. Do not present the same suspect to the same witness more than once.

- j. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
- k. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.
- l. Ask the witness to provide a confidence statement.
- m. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.
- n. Videotape the identification process using an in-car camera or other recording device when feasible.
- o. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

Line-up and Photo Array Procedures

2. Basic Procedures for Conducting a Line-up or Photo Array

- a. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.
- b. Whenever possible, a blind presentation shall be utilized. In cases where a blind presentation is not feasible for a photo array, a blinded presentation should be used. Live line-ups must be conducted using a blind presentation.
- c. The line-up or photo array should consist of a minimum of six individuals or photographs. Use a minimum of five fillers and only one suspect.
- d. Fillers should be reasonably similar in age, height, weight, and general appearance and be of the same sex and race, in accordance with the witness's description of the offender.
- e. Avoid the use of fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- f. Create a consistent appearance between the suspect and the fillers with respect to any unique or unusual feature (e.g., scars, tattoos, facial hair) used to describe the perpetrator by artificially adding or concealing that feature on the fillers.
- g. If there is more than one suspect, include only one in each line-up or photo array.

- h. During a blind presentation, no one who is aware of the suspect's identity should be present during the administration of the photo array. However, during a line-up, the suspect's attorney should be present.
- i. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.
- j. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.
- k. The witness shall be given a copy of the following instructions prior to viewing the line-up or photo array and the administrator shall read the instructions aloud before the identification procedure.

You will be asked to look at a series of individuals.

The perpetrator may or may not be present in the identification procedure.

It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.

I don't know whether the person being investigated is included in this series.

Sometimes a person may look different in a photograph than in real life because of different hair styles, facial hair, glasses, a hat or other changes in appearance. Keep in mind that how a photograph was taken or developed may make a person's complexion look lighter or darker than in real life.

You should not feel that you have to make an identification. If you do identify someone, I will ask you to describe in your own words how certain you are.

The individuals are not configured in any particular order.

If you make an identification, I will continue to show you the remaining individuals or photos in the series.

Regardless of whether you make an identification, we will continue to investigate the incident.

Since this is an ongoing investigation, you should not discuss the identification procedures or results

- l. The line-up or photo array should be shown to only one witness at a time; officers should separate witnesses so they will not be aware of the responses of other witnesses.
- m. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.
- n. Officers should scrupulously avoid the use of statements, cues, casual comments, or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision-making process or perception.
- o. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.
- p. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.
- q. Line-up and photo array procedures should be video or audio recorded whenever possible. If a procedure is not recorded, a written record shall be created and the reason for not recording shall be documented. In the case of line-ups that are not recorded, agents shall take and preserve a still photograph of each individual in the line-up.

3. Photographic Arrays

a. Creating a Photo Array

1. Use contemporary photos.
2. Do not mix color and black and white photos.
3. Use photos of the same size and basic composition.
4. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
5. Do not include more than one photo of the same suspect.
6. Cover any portions of mug shots or other photos that provide identifying information on the subject – and similarly cover other photos used in the array.
7. Where the suspect has a unique feature, such as a scar, tattoo, or mole or distinctive clothing that would make him or her stand out in the photo array, filler photographs should include that unique feature either by selecting fillers who have the same features themselves or by altering the photographs of fillers to the extent necessary to achieve a consistent appearance.
8. Fillers should not be reused in arrays for different suspects shown to the same witness.

b. Conducting the Photo Array

1. The photo array should be preserved, together with full information about the identification process as part of the case file and documented in a report.

2. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.
 - a. Place the suspect and at least five filler photos in separate folders for a total of six (or more depending on the number of fillers used).
 - b. The administrator will take one folder containing a known filler and place it to the side. This will be the first photo in the series. The administrator should then shuffle the remaining folders (containing one suspect and the remainder of fillers) such that he or she cannot see how the line-up members are ordered. These shuffled folders will follow the first filler photo. The stack of photos is now ready to be shown to the witness.
 - c. The administrator should position himself or herself so that he or she cannot see inside the folders as they are viewed by the witness.
3. The witness should be asked if he or she recognizes the person in the photo before moving onto the next photo. If an identification is made before all of the photos are shown, the administrator should tell the witness that he or she must show the witness all of the photos and finish showing the sequence to the witness, still asking after each photo if the witness recognizes the person in the photo.
4. If possible, the array should be shown to the witness only once. If, upon viewing the entire array the witness asks to see a particular photo or the entire array again, the witness should be instructed that he or she may view the entire array only one additional time. If a second viewing is permitted, it must be documented.

4. Line-ups

- a. Conducting the Line-up
 1. Live line-ups shall be conducted using a blind administrator.
 2. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
- b. The primary investigating officer is responsible for the following:
 1. Scheduling the line-up on a date and at a time that is convenient for all concerned parties, to include the prosecuting attorney, defense counsel, and any witnesses.
 2. Ensuring compliance with any legal requirements for transfer of the subject to the line-up location if he or she is incarcerated at a detention center.
 3. Making arrangements to have persons act as fillers.
 4. Ensuring that the suspect's right to counsel is scrupulously honored and that he or she is provided with counsel if requested. Obtaining proper documentation of any waiver of the suspect's right to counsel.
 5. Allowing counsel representing the suspect sufficient time to confer with his or her client prior to the line-up and to observe the manner in which the line-up is conducted.

References:

Eyewitness Identification Procedure Form
Sequential Photo Display Form

**MN POST Professional Conduct of
Peace Officers Model Policy.pdf**

PROFESSIONAL CONDUCT OF PEACE OFFICERS MODEL POLICY
MN STAT 626.8457

I. POLICY

It is the policy of the _____ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

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

A. PRINCIPLE ONE

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

1. Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules

- a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.
- b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
- c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
- d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
- e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

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

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules

- a) Peace officers shall carry out their duties with integrity, fairness and impartiality.

- b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
- d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.
- e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
- f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer's immediate supervisor who shall forward the information to the CLEO. If the officer's immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor's supervisor.

C. PRINCIPLE THREE

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

1. **Rationale:** Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.
2. **Rules**
 - a) Peace officers shall provide every person in our society with professional, effective and efficient law enforcement services.
 - b) Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

D. PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community.

1. **Rationale:** A peace officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.
2. **Rules**

- a) Peace officers shall not consume alcoholic beverages or chemical substances while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in **c**).
- b) Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
- c) Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
- d) Peace officers, whether on or off duty, shall not engage in any conduct which the officer knows, or should reasonably know, constitutes sexual harassment as defined under Minnesota law, including but not limited to; making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.
- e) Peace officers shall not commit any acts which constitute sexual assault or indecent exposure as defined under Minnesota law. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
- f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
- g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.
- h) Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in the officer or agency. This rule does not prohibit those associations that are necessary to the performance of official duties or where such associations are unavoidable because of the officer's personal or family relationships.

E. PRINCIPLE FIVE

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

1. **Rationale:** Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.
2. **Rules**
 - a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.

- b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- c) Peace officers shall promptly advise any inquiring citizen of the agency's complaint procedure and shall follow the established agency policy for processing complaints.

F. PRINCIPLE SIX

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

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. Rules

- a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
- b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
- c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
- d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
- e) Peace officers shall:
 - not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
 - maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
 - not make endorsements of political candidates while on duty or while wearing the agency's official uniform.

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

G. PRINCIPLE SEVEN

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

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions

where those actions would or could conflict with the officer's appropriate responsibilities.

2. Rules

- a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
- b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
- c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
- d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

H. PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

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

2. Rules

- a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

I. APPLICATION

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

PB Rev 01/2011

Model Sexual Assault Investigation Policy.pdf

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;
- b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;
- c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the _____ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS

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

A. **Consent:** As defined by Minn. Stat. 609.341, which states:

- (1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
- (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- B. **Child or Minor:** a person under the age of 18.
- C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.
- D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
- (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
 - (7) persons involved in a significant romantic or sexual relationship
- F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.
- I. **Vulnerable Adult:** any person 18 years of age or older who:
- (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;

- (2) receives services at or from a facility required to be licensed to serve adults under sections [245A.01](#) to [245A.15](#), except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- (3) receives services from a home care provider required to be licensed under sections [144A.43](#) to [144A.482](#); or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections [256B.0625, subdivision 19a, 256B.0651](#) to [256B.0654](#), and [256B.0659](#); or
- (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - (i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
- 3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- 4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 - 1) Whether the suspect was known to the victim
 - 2) How long the victim knew the suspect
 - 3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
 - 4) The extent of their previous or current relationship
 - 5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
 - 6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
 - 7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - (1) Ensuring the safety of the victim;
 - (2) Ensuring the scene is safe;
 - (3) Safeguarding evidence where appropriate;
 - (4) Collecting any information necessary to identify the suspect; and
 - (5) Addressing the immediate medical needs of individuals at the scene

- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

- d. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.
 - e. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
2. Victims of Domestic Abuse
- Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

E. Protecting Victim Rights

- 1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
- 2) Crime Victim Rights: Officers must provide the following information to the victim:
 - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
 - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
 - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
- 3) Other information: Officers should provide to the victim the agency's crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.
- 4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

- 1) Considerations for Evidence Collection
Officers shall follow this agency's policy on crime scene response. In addition, officers may do the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.

- c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
 - a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
 - b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
 - c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers should consider the following:

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong

consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
- 5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect

Note: A suspect's forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) Ask for the suspect's consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 - b. Collect biological and trace evidence from the suspect's body;
 - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

- 1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- 2) Provide guidance and direction as needed.
- 3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary

A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions

Attachment A.pdf

VIDEO ADVISORY

You are about to view and hear a recording of a specific police action. This recording depicts visual and audio information from the scene. However, the human brain, working through the lens of the human eye, is highly likely to perceive some things differently during stressful situations than a camera records them. This recording may not reflect how the involved officer actually perceived or documented the event.

In addition, the recording may depict things that the officer did not perceive, and the officer may have perceived things that were not recorded by the camera or microphone. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than the officer could consider, process, and absorb them. The camera has captured a 2-dimensional image, which may be different from an officer's 3-dimensional observations. Lighting and visual angles may also have contributed to different perceptions. And, of course, the camera did not view the scene with the officer's unique experience and training and cannot duplicate his or her physiological state. Moreover, unlike the officers depicted therein, you have the opportunity to review this recording in a controlled environment and to review it multiple times, in slow motion and to stop or pause it.

This recording may enhance your understanding of the incident. However, these video images and audio recordings are only two pieces of evidence to be considered in reconstructing and evaluating the totality of the circumstances.

To the extent the event in question involves the use of force; the United States Supreme Court has held that the standard against which a police officer's conduct is to be reviewed is as follows:

The reasonableness of the particular use of force:

"must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight* * * [and] the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments-in circumstances that are tense, uncertain, and rapidly evolving-about the amount of force that is necessary in a particular situation."

Graham v. Connor, 490 U.S. 386, 109 S.Ct. 1865 (1989)

_____	_____	_____
Name of DPD Records Clerk	Date	Person Requesting Video
_____	_____	_____
Property/Evidence Tech	Date copy made	DPD Case Number (s)

Date of Incident		

VIDEO ADVISORY

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Confidential Informants Model Policy .pdf

CONFIDENTIAL INFORMANTS MODEL POLICY

MN STAT 626.8476

I. POLICY

It is the policy of the (**law enforcement agency**) to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

II. DEFINITIONS

- A. Confidential Informant (CI):** A person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and;
1. seeks to avoid arrest or prosecution for a crime, mitigate punishment for a crime in which a sentence will be or has been imposed, or receive a monetary or other benefit; and
 2. is able, by reason of the person's familiarity or close association with suspected criminals, to:
 - i. make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
 - ii. supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
 - iii. otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.
- B. Controlled Buy:** means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.
- C. Controlled Sale:** means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender that is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.
- D. Mental Harm:** means a psychological injury that is not necessarily permanent but results in visibly demonstrable manifestations of a disorder of thought or mood that impairs a person's judgment or behavior.
- E. Target Offender:** means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.
- F. Confidential Informant File:** means a file maintained to document all information that pertains to a confidential informant.
- G. Unreliable Informant File:** means a file containing information pertaining to an individual who has failed at following an established written confidential informant agreement and has been determined to be generally unfit to serve as a confidential informant.
- H. Compelling Public Interest:** means, for purposes of this policy, situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence for persons, property, or public safety and therefore demand action.
- I. Overseeing agent:** means the officer primarily responsible for supervision and management of a confidential informant.

III. PROCEDURES

A. Initial Suitability Determination

An initial suitability determination must be conducted on any individual being considered for a role as a CI. The initial suitability determination includes the following:

1. An officer requesting use of an individual as a CI must complete an Initial Suitability Report. The report must be submitted to the appropriate individual or entity, as determined by the agency chief executive, to review for potential selection as a CI. The report must include sufficient detail regarding the risks and benefits of using the individual so that a sound determination can be made. The following information must be addressed in the report, where applicable:
 - a. Age, sex, and residence
 - b. Employment status or occupation
 - c. Affiliation with legitimate businesses and illegal or suspicious enterprises
 - d. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
 - e. Relationship with the target of an investigation
 - f. Motivation in providing information or assistance
 - g. Risk of adversely affecting an existing or future investigation
 - h. Extent to which provided information can be corroborated
 - i. Prior record as a witness
 - j. Criminal history, to include whether he or she is the subject of a pending investigation, is under arrest, or has been charged with a crime
 - k. Risk to the public or as a flight risk
 - l. Consultation with the individual's probation, parole, or supervised release agent, if any
 - m. Consideration and documentation of the individual's diagnosis of mental illness, substance use disorder, traumatic brain injury, or disability; and consideration and documentation of the individual's history of mental illness, substance use disorder, traumatic brain injury or disability
 - n. Relationship to anyone in law enforcement
 - o. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement
 - p. Prior or current service as a CI with this or another law enforcement organization
2. Prior to an individual's use as a CI, a supervisor or other designated authority must review the Initial Suitability Report and determine if the individual is authorized to serve as a CI.
3. Any prospective or current CI must be excluded from engaging in a controlled buy or sale of a controlled substance if the prospective or current CI:
 - a. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or
 - b. is participating in a treatment-based drug court program or treatment court; except that
 - c. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.

4. Documentation and special consideration must be made of the risks involved in engaging a prospective or current CI in the controlled buy or sale of a controlled substance if the individual is known, or has reported, to have experienced a drug overdose in the previous 12 months.
5. Any prospective or current CI who is known to abuse substances, or is at risk for abusing substances, should be provided referral to prevention or treatment services.
6. Any prospective or current CI that has a physical or mental illness that impairs the ability of the individual to understand instructions and make informed decisions should be referred to a mental health professional or other appropriate medical professional, or a case manager/social worker from the county social services agency, or other substance abuse and mental health services.
7. Each CI's suitability must be reviewed every 6 months, at a minimum, during which time the CI's overseeing agent must submit a Continuing Suitability Report addressing the foregoing issues in III.A.1.a-p, and III.A.3-6, where applicable. An initial suitability determination must be conducted on a reactivated CI regardless of the length of inactivity.
8. Any information that may negatively affect a CI's suitability during the course of their use must be documented in the CI's file and forwarded to the appropriate authorized personnel as soon as possible.
9. Supervisors must review informant files regularly with the overseeing agent and must attend debriefings of CIs periodically as part of the informant management process. If a CI is active for more than 12 months, a supervisory meeting with the CI must be conducted without the overseeing agent.
10. CI contracts must be terminated, and the CI file placed in inactive status when the CI has not been utilized for 6 months or more.

B. Exigent Confidential Informants

1. Certain circumstance arise when an individual who has been arrested is willing to immediately cooperate and perform investigative activities under the direction of an overseeing agent. In these circumstances, the initial suitability determination can be deferred and an individual may be utilized as a CI for a period not to exceed 12 hours from the time of arrest if:
 - a. The individual is not excluded from utilization as a CI under III.A(3)(a-c) of this policy; and
 - b. There is compelling public interest or exigent circumstances exist that demand immediate utilization of the individual as a CI and any delay would significantly and negatively affect any investigation; and
 - c. A supervisor has reviewed and approved the individual for utilization as a CI under these circumstances.
2. Upon the conclusion of the 12-hour window, or at any time before, an initial suitability determination must be conducted before the individual engages in any further CI activities.

C. Special CI Approval Requirements

Certain individuals who are being considered for use as a CI require special review and approval. In all instances, the agency's chief executive or their designee and the office of the prosecutor or county attorney should be consulted prior to the use of these individuals as CIs. These individuals include the following:

1. Juveniles
 - a. Use of a juvenile under the age of 18 for participating in a controlled buy or sale of a controlled substance or contraband may be undertaken only with the written authorization of the individual's parent(s) or guardian(s), except that the juvenile informant may provide confidential information.

- b. Authorization for such use should be granted only when a compelling public interest can be demonstrated, *except that*
 - c. Juveniles under the guardianship of the State may not be used as a CI.
2. Individuals obligated by legal privilege of confidentiality.
3. Government officials.

D. General Guidelines for Overseeing CIs

General guidelines for overseeing CIs are as follows:

1. CIs must be treated as assets of the agency, not the individual overseeing agent.
2. No promises or guarantees of preferential treatment within the criminal justice system will be made to any informant without prior approval from the prosecuting authority.
3. CIs must not be used without authorization of the agency through procedures identified in this policy.
4. CIs must not be used to gather information purely of a political nature or for other information-gathering efforts that are not connected with a criminal investigation.
5. Under no circumstances must an informant be allowed access to restricted areas or investigators' work areas within a law enforcement agency.
6. All CIs must sign and abide by the provisions of the agency's CI agreement.
7. Any physical or mental illness that impairs the CI's ability to knowingly contract or otherwise protect the informant's self-interest must be taken into consideration before the CI signs the agreement.
8. The CI's overseeing agent must discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
 - a. CIs may voluntarily initiate deactivation, whereupon the protocols outlined in section E of this policy must be followed.
 - b. CIs are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon while performing activities as a CI.
 - c. CIs found engaging in any illegal activity beyond what is authorized by the agency and conducted while under the supervision of an overseeing agent, will be subject to prosecution.
 - d. CIs are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions must be explained to each CI.
 - e. CIs are prohibited from engaging in self-initiated information or intelligence gathering without agency direction and approval. The CI must not take any actions in furtherance of an investigation without receiving specific instruction(s) from the overseeing agent or agency.
 - f. Every reasonable effort will be taken to ensure the confidentiality of the CI but, upon judicial order, he or she may be required to testify in open court.
 - g. CIs may be directed to wear a listening and recording device.
 - h. CIs must be required to submit to a search before and after a controlled purchase.

- i. CIs who participate in unplanned or unanticipated activities or meet with a subject(s) under investigation in a location outside of the jurisdictional boundary of the handling agency must promptly report that activity or meeting to their overseeing agents.
9. CI activity outside jurisdictional boundaries:
 - a. Investigators handling CIs who engage in operational activity in locations outside the jurisdictional boundaries of the agency must coordinate with counterparts in law enforcement agencies that have jurisdiction in that location where the CI will operate before any activity occurs, or in a timely manner after unanticipated activity occurs and is brought to the attention of the overseeing agent.
 - b. Any decision to defer or delay notice to or coordinate with an outside agency having jurisdiction in the area where a CI has or may operate must be documented, reviewed, and approved by the agency's chief executive or their designee.
10. Officers must take the utmost care to avoid conveying any confidential investigative information to a CI, such as the identity of other CIs, surveillance activities, or search warrants, other than what is necessary and appropriate for operational purposes.
11. No member of this agency must knowingly maintain a social relationship with a CI, or otherwise become personally involved with a CI beyond actions required in the performance of duty.
12. Members of this agency must not solicit, accept gratuities from, or engage in any private business transaction with a CI.
13. Meetings with a CI must be conducted in private with another officer or agent present and with at least one officer or agent of the same sex, except when not practical. The meeting location should minimize the potential for discovery of the informant's cooperation and provide sufficient space to complete necessary administrative duties. The meetings must be documented and subsequently entered into the individual's CI file.
14. Overseeing agents must develop and follow a communications strategy and plan with the CI that minimizes, to the greatest extent possible, the risk of discovery or compromise of the relationship between the agency and the CI. This plan should also aim to prevent the detection, compromise, or interception of communications between the overseeing agent and the CI.
15. Procedures must be instituted to assist CIs with concealing their identity and maintaining their safety. Care should be given not to expose CIs to unnecessary safety risks.
16. Preceding or following every buy or sale of controlled substances, overseeing agents must screen the CI for any personal safety or mental health concerns, risk of substance abuse, and/or potential relapse in any substance abuse recovery.
 - a. At the request of the CI, or if the overseeing agent deems it necessary, reasonable efforts should be taken to provide the CI with referral to substance abuse and/or mental health services.
 - b. Overseeing agents must document:
 - i. the screening,
 - ii. any referral to services provided to, or requested by, the CI, and
 - iii. any refusal by the CI to participate in the screening and/or any refusal by the CI to accept referral to services. Reasons for the CI's refusal must be documented, where applicable.
 - c. No part of this subsection supersedes MN Stat. 253B.05, sub.2.

17. Reasonable protective measures must be provided for a CI when any member of this agency knows or should have known of a risk or threat of harm to a person serving as a CI and the risk or threat of harm is a result of the informant's service to this agency.
18. Overseeing agents must:
 - a. evaluate and document the criminal history and propensity for violence of target offenders; and
 - b. to the extent allowed, provide this information to the CI if there is a reasonable risk or threat of harm to the CI as a result of the CI's interaction with the target offender.
19. Reasonable efforts and precautions must be made to help protect the identity of a CI during the time the person is acting as an informant.
20. Whenever possible, officers must corroborate information provided by a CI and document efforts to do so.
21. The name of a CI must not be included in an affidavit for a warrant unless judicial authority is obtained to seal the document from the public record or the CI is a subject of the investigation upon which the affidavit is based.
22. Overseeing agents are responsible for ensuring that information of potential value to other elements of the agency is provided promptly to authorized supervisory personnel and/or other law enforcement agencies as appropriate.
23. Individuals leaving employment with the agency have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

E. Establishment of an Informant File System

An informant file system must be established as follows:

1. The agency chief executive must designate a file supervisor who must be responsible for developing and maintaining master CI files and an indexing system.
2. A file must be maintained on each CI deemed suitable by the agency.
3. An additional Unreliable Informant File must be established for CIs deemed unsuitable during initial suitability determinations or at a later time.
4. Each file must be coded with an assigned informant control number for identification within the indexing system and must include the following information, where applicable:
 - a. Name, aliases, and date of birth
 - b. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features
 - c. Emergency contact information
 - d. Name of the officer initiating use of the informant and any subsequent overseeing agents
 - e. Photograph and criminal history record
 - f. Current home address and telephone number(s)
 - g. Residential addresses in the last five years
 - h. Current employer, position, address, and telephone number
 - i. Social media accounts
 - j. Marital status and number of children

- k. Vehicles owned and their registration numbers
 - l. Places frequented
 - m. Gang affiliations or other organizational affiliations
 - n. Briefs of information provided by the CI and the CI's subsequent reliability
 - o. Special skills and hobbies
 - p. Special areas of criminal expertise or knowledge
 - q. A copy of the signed informant agreement
- 5. CI files must be maintained in a separate and secured area.
 - 6. The file supervisor must ensure that information concerning CIs is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information.
 - 7. CI File Review
 - a. Sworn personnel may review an individual's CI file only upon the approval of the agency's chief executive or their designee.
 - b. The requesting officer must submit a written request explaining the need for review. A copy of this request, with the officer's name, must be maintained in the individual's CI file.
 - c. Officers must not remove, copy, or disseminate information from the CI file.
 - d. CI files must be reviewed only in designated areas of the law enforcement facility and returned as soon as possible to their secure file location.
 - e. All disclosures or access to CI files must be recorded by the file supervisor, to include information such as the requesting officer or agency, the purpose of access or disclosure, the information conveyed, and the date and time of access or dissemination.
 - f. No portion of an individual's CI file must be entered into any other electronic or related database without controls sufficient to exclude access to all but authorized personnel with a need and a right to know.

F. Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

- 1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
 - a. The name of the agency.
 - b. The name of the CI.
 - c. The control number of the CI, where applicable.
 - d. The date of deactivation.
 - e. The reason for deactivation.
 - f. A notification that contractual agreements regarding monetary re-numeration, criminal justice assistance, or other considerations, specified or not, are terminated.
 - g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
 - h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.

- i. A signature by the overseeing agent.
2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

G. Monetary Payments

Monetary payments must be managed as follows:

1. All monetary compensation paid to CIs must be commensurate with the value of the information or assistance provided to the agency.
2. All CI payments must be approved in advance by the officer in charge of confidential funds.
3. Officers must provide accounting of monies received and documentation for confidential funds expended. Any documentation of monies paid or received should not contain the true identity of the informant but should use the CI's control number.
4. Two officers must be present when making payments or providing funds to CIs.
5. The appropriate individual, as designated by the agency's chief executive, must ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with agency policy.
6. If a CI is authorized to work with another law enforcement or prosecutorial agency, financial payments must be coordinated between the agencies in a manner that is proportionate to the assistance rendered to each agency and consistent with provision III.F.1. of this policy.
7. Written records of receipts are retained, or justification for the exception is documented when a written receipt is not available.

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