

CHATFIELD POLICE DEPARTMENT

SECTION 1-6.02
SUBJECT: IMPARTIAL POLICING

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POLICY

This policy is intended to reaffirm our department's commitment to impartial/unbiased policing and to reinforce procedures that assure the public that we provide service and enforce law in a fair and equitable manner.

1-6.02.01 DEFINITION

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

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

- (1) the behavior of that individual; or
- (2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

1-6.02.02 POLICING IMPARTIALLY

- A. Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable

cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures.

- B. Officers shall not consider race, ethnicity, national origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause, except as provided in paragraph (3).
- C. Officers may take into account the race, ethnicity, national origin, gender, sexual orientation and religion of specific suspect(s) based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use age, height, weight, etc. as identifying characteristics.

1-6.02.03 PREVENTING PERCEPTIONS OF BIASED POLICING

To prevent the perception of biased law enforcement, officers shall utilize the following guidelines:

- A. Be professional and respectful
- B. Identify yourself, whenever your identity may be in question, to the citizen and state the reason for the contact as soon as practical, unless providing this information will compromise officer safety, public safety or an ongoing investigation.
- C. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense.
- D. Attempt to answer relevant questions the citizen may have regarding the citizen/officer contact, including referrals to other agencies when appropriate.
- E. Provide your name and badge number when requested. Officers shall provide a police department business card whenever practical.
- F. Explain the reason for the officer/citizen contact if you determine that the reasonable suspicion was unfounded or inconclusive (e.g. after an investigatory stop).

1-6.02.04 DUTY TO REPORT

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

1-6.02.05 SUPERVISION AND ACCOUNTABILITY

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

1-6-02.06 VIOLATIONS

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

CHATFIELD POLICE DEPARTMENT

SECTION 1-7
SUBJECT: PROFESSIONAL CONDUCT OF PEACE OFFICERS

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REGULATION

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.

PURPOSE

To clearly establish for agency personnel the expectation the department has for members of the department in matters of discipline.

SCOPE

This section is applicable to all members of the Chatfield Police Department.

STANDARDS

The Chatfield Police Department believes that peace officers by nature of the position must conduct themselves in a professional manner both while working and while off-duty. Minnesota Statute 626.8457 requires law enforcement agencies to have a policy on professional conduct of police officers and the MN POST Board has outlined seven principles of conduct.

1-7.01 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.

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.

- 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.

1-7.02 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. 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.

- 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.

1-07.03 PRINCIPLE THREE

Peace officers 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, gender, marital status, or status with regard to public assistance, disability, sexual orientation or age.

- 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.

1-7.04 PRINCIPLE FOUR

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their agency or otherwise impairs their ability or that of other officers or the agency to provide law enforcement services to the community. A 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.

- 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.

1-7.05 PRINCIPLE FIVE

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

- 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.

1-7.06 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. 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.

- 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.

1-7.07 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. 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.

- 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.

1-7.08 PRINCIPLE EIGHT

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers. 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.

- 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.

1-7.09 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.

CHATFIELD POLICE DEPARTMENT

SECTION 1-8
SUBJECT: ALLEGATIONS OF MISCONDUCT, CITIZEN COMPLAINTS

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POLICY

The department recognizes that investigation and resolution of Citizen Complaints against any employee of the Chatfield Police Department is an important function. The support of the community is necessary for the department to effectively provide police services and proper handling of Citizen Complaints are necessary for that community support.

PURPOSE

To clearly establish for agency personnel the process and procedure to:

- Protection and responsiveness to the public served.
- Protection of the integrity of the department and its employees.
- Protection of Employees against false accusations.
- Correction of procedural problems.
- Discipline of personnel when appropriate.

To comply with Minnesota Statute 626.8457 and Minnesota Rules, Chapter 6700.2200

STANDARDS

1-8.01 DEFINITIONS

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

Chief of Police - means the Chief of Police or a designee.

Complainant - means a citizen who submits a complaint with the Chief of Police alleging misconduct by an employee.

Complaint - means a statement, which is made to or by the Chief of Police in writing, which alleges misconduct.

Employee - means all voluntary and compensated personnel of the Department.

Discipline - means appropriate disciplinary actions taken up to and including discharge

Unfounded - means that the department has determined the allegations do not constitute any violation of rule, regulation or law (proper and acceptable police conduct and methods are the source of the complaint). This complaint will not be investigated but the disposition must be confirmed by the Chief of Police.

Exonerated - means a fair preponderance of the evidence established either that:

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

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

Sustained - means a fair preponderance of the evidence obtained in the investigation established that the accused person's actions constituted misconduct.

Sustained with Qualifications - means that the investigation disclosed that the action complained about did in fact occur, but not in the manner or to the degree stated and/or mitigating circumstance were present.

Formal Statement - means the questioning of an employee in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the employee.

Misconduct - means:

1. a violation of any Department policy and procedure governing conduct of employees;
2. the use of unnecessary or excessive force;
3. abuse of authority;
4. conduct which violates a person's civil rights;
5. abusive or insulting language or conduct which is derogatory of a person's race, religion, sex, national origin or sexual preference;
6. sexual harassment as that term is defined under Minnesota Law;

7. intimidation or retribution toward a complainant or witness involved in any complaint proceeding.

1-8.02 PROCEDURE FOR INITIATING COMPLAINT

Citizens who wish to file complaints against employees of this department will be informed of the manner in which this may be done. Citizen complaints against an employee will be made in accordance with policy 1-8. Citizens under the influence of alcohol or narcotics will be informed of the citizen complaint process. Their name, DOB, address, and phone number will be obtained. Statements will be taken after the citizen has detoxified.

- A. Anyone who has personal knowledge of facts or who has reliable hearsay information may make a complaint.
- B. Complaints shall be made within sixty (60) days of the alleged occurrence. This requirement is to ensure a timely investigation of the allegation. The passing of time can affect the ability to reliably discover evidence, conduct interviews and ensure supported allegations have discipline that is linked to the conduct that occurred. The Chief of Police can consider a complaint of an occurrence greater than sixty (60) days. The Chief of Police may consider factors such as, but not limited to: reason for the delay, likely existence of reliable evidence and witnesses, degree of alleged misconduct. The Chief of Police's decision regarding extension of time to report will be final. The complainant will be informed of the decision and the reason(s) for the decision.
- C. Only a person with personal knowledge of facts may file a formal complaint.
- D. The Chief of Police may file a formal complaint based on reliable hearsay information.
- E. Upon receiving a complaint against an employee within the department, the supervisor shall determine if the complainant wishes to make a formal complaint or not.

If the complaint is not a formal complaint, the supervisor will determine if additional investigation is needed or if the matter can be resolved by other means.

If it is a formal complaint, the supervisor will immediately have the complainant complete a Citizens Complaint Report Form (CCRF). The complaint will not be considered filed until the complainant signs the CCRF. The CCRF will be forwarded to the Chief of Police who will assign an administrative case number.

1. If the person making a complaint sets forth specific believable facts supporting an allegation of misconduct, but wishes to remain anonymous, the Chief of Police receiving the complaint may at the Chief of Police's sole discretion permit the complainant to remain

anonymous. In this instance the Chief of Police shall sign the complaint as the complainant. If the Chief of Police has reason to believe that the complaint is unfounded, the Chief of Police shall have the authority to require an anonymous complainant to identify himself/herself. If that complainant refuses to do so, the Chief of Police may refuse to accept a complaint and shall advise the anonymous person of that fact.

- F. After a CCRF is filed, the Chief of Police shall sign the document, keeping a copy for the Department, and giving or mailing a copy to the complainant.
 - 1. A complainant may be accompanied by an attorney or other appropriate representative at the time a complaint is filed or at any other stage of the process.

- G. Any complaint made against the Chief of Police shall be made to the Mayor. Upon receiving a complaint the Mayor will have the complainant complete a Citizens Complaint Report Form (CCRF) and assign an administrative case number. The complaint will not be considered until the complainant signs the CCRF.
 - 1. If the person making a complaint sets forth specific believable facts supporting an allegation of misconduct, but wishes to remain anonymous, the Chief of Police may at the Chief of Police's sole discretion permit the complainant to remain anonymous. In this instance the Chief of Police shall sign the complaint as the complainant. If the Chief of Police has reason to believe that the complaint is unfounded, the Chief of Police shall have the authority to require an anonymous complainant to identify himself/herself. If that complainant refuses to do so, the Chief of Police may refuse to accept a complaint and shall advise the anonymous person of that fact.
 - 2. Mayor may refer investigations of alleged misconduct against the Chief of Police to an outside law enforcement agency or criminal justice agency.

1-8.03 PROCEDURES FOR THE INVESTIGATION OF A COMPLAINT

- A. Upon receipt of the CCRF, the Chief of Police shall make an initial determination whether the facts alleged requires a formal investigation. If the Chief of Police decides that an investigation is not required, the disposition of the investigation is not required. The disposition of the complaint shall be either "unfounded" or "exonerated". The complainant and the employee will be notified of this decision and the basis for determination. If the complainant supplies additional information with twenty (20) days of that initial determination, the Chief of Police may reverse this decision and order a formal investigation.

- B. If the Chief of Police determines that a formal investigation is required, an appropriate person will be assigned to investigate the complaint. When the

Chief of Police believes an external investigation is appropriate; and when the Chief of Police is the subject of the complaint, the investigation may be assigned to an external agency.

- C. The investigator shall, as soon as possible after being assigned the investigation, inform the complainant of his or her name, business phone number, and the status of the complaint.
- D. The investigator shall thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation reveals potential misconduct by another employee, the investigator shall report that fact to the Chief of Police.
- E. All employees shall cooperate with the investigation. When the employee is a licensed peace officer, the investigation shall comply with the requirements of Minn. Stat. §626.89 (1991) and acts amendatory thereto.
- F. The investigator shall prepare a report which will contain all relevant information, organized into the following three (3) sections:
 - 1. Allegations. An itemized summary of the acts of misconduct alleged in the complaint. Reference shall be made to those rules, procedures, order, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
 - 2. Investigation. A chronological summary of the investigation, including all pertinent facts obtained through interviews with the complainant, accused employee and all available witnesses. Written statements, descriptions and analysis of any physical evidence, and all other relevant information shall be included.
 - 3. Conclusions. The investigator's findings, conclusions as to whether any misconduct occurred, and the underlying reasons for the finds and conclusions.
- G. The investigation shall be completed in a timely manner after the filing of the complaint. In matters where possible illegal activity is involved the Chief of Police will determine if the investigation will be placed on hold pending any criminal investigation.

1-8.04 ADDITIONAL INVESTIGATION, REVIEW, AND DISPOSITION

- A. Upon completion of the investigation, the investigator shall submit the report, case file, and all investigative notes to the Chief of Police. The Chief of Police may require additional investigation or make one of the following decisions: "exonerated", "not sustained", "sustained" or "sustained with qualifications".

- B. The Chief of Police may postpone making a decision until any related criminal charges are resolved.
- C. If the decision is “exonerated” or “not sustained”, the Chief of Police shall immediately notify the complainant and the employee of the decision.
- D. If the complaint is “sustained” or “sustained with qualifications” the Chief of Police will:
 - 1. Issue findings of fact including a summary of the acts constituting misconduct and the specific statutes, policies, regulations and procedures violated.
 - 2. Take appropriate disciplinary action.
- E. Prior to the implementation of disciplinary action, the employee and the complainant will be provided with a copy of the findings of fact. The Chief of Police and/or appropriate person shall review the findings of fact with the employee and explain the reasons for the disciplinary action.
- F. The investigation may be re-opened by the Chief of Police at any time if substantial new evidence is discovered concerning the complaint.
- G. When a “sustained” or “sustained with qualifications” disposition is final, the employee may appeal the disposition pursuant to the rules and law governing the accused employee's employment.
- H. Chief of Police will accept appeals from complainants as appropriate if received within twenty (20) days of final disposition.

1-8.05 MAINTENANCE AND DISCLOSURE OF DATA

- A. Disclosure to the complaint and employee of data collected, created, or received by the Department in connection with this policy and procedures shall be maintained in accordance with the Department’s “Record Retention Schedule” and as provided by Minnesota Statutes Chapter 13, the “Minnesota Government Data Practices Act”, or valid court order.
- B. All data collected, created, or received by the Department in connection with this policy and procedure shall be maintained in accordance with the Department’s “Record Retention Schedule”.
- C. The placement of the disposition report or other data in an employee’s personnel file shall be governed by the Cities and/or Department’s Personnel Policy.
- D. Access to data collected, created, or received in connection with this policy and procedure may only be authorized by the Chief of Police or the Department’s Data Practices “Responsible Authority”, and as provided by

Minnesota Statutes Chapter 13, the “Minnesota Government Data Practices Act”, or valid court order.

1-08.06 POST BOARD REPORTING REQUIREMENTS

- A. Under Minn. Rule 6700.1610, a licensed peace officer must self-report to the POSTBoard any violations of the Standards of Conduct for peace officers listed in Minn. Rule 6700.1600.
- B. Any person with knowledge of peace officer misconduct constituting grounds for action under Minn. Stat. chapter 214, or Minn. Rules 6700.1600, may report the violation to the Board.
- C. Minnesota Stat. 626.8457 Subd. 3 requires CLEOs to submit individual peace officer public and private data related to allegations of misconduct to the POST Board in “real time” via the POST Board Misconduct Reporting System.
- D. A chief law enforcement officer must update data within 30 days of final disposition of a complaint or investigation.
- E. Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in Minn. Stat. 626.8457 Subd. 3 paragraph (b) to the Board. Any such confidentiality agreement is void as to the requirements of this section.

CHATFIELD POLICE DEPARTMENT

SECTION: 2-3
SUBJECT: SEX OFFENDER REGISTRATION/COMMUNITY NOTIFICATION

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2-3.06 COMMUNITY NOTIFICATION-ALL OTHER REGISTERED
OFFENDERS

POLICY

The Chatfield Police Department shall facilitate the registration of sexual and other predatory offenders. Furthermore, this department will provide the community as much information as required by statute, while preserving the rights of offenders.

PURPOSE

This Chatfield Police Department complies with MN State Statute 243.166; 244.052; and 244.053. Compliance with this policy will provide for appropriate notification of community members relative to the release of certain sexual offenders, while maintaining the legally required privacy and other rights of those convicted offenders.

SCOPE

This policy applies to all members of the Chatfield Police Department.

STATUTORY AUTHORITY

Minnesota State Statute 243.166 - Sex Offender Registration
Minnesota State Statute 244.052 - Community Notification (Prison)
Minnesota State Statute 244.053 - Community Notification (Non-prison)
Minnesota Statute Chapter 13 - Minnesota Government Data Practices Act

STANDARD

2-3.01 REGISTRATION PROCEDURES

MN State Statute 243.166 requires that convicted sex offenders who have reached the end of their parole/probation period must register with local law

enforcement for 10 years beyond the expiration of their probationary period. In that the Department of Corrections will no longer have jurisdiction over offenders for whom the term has expired, the offender must notify law enforcement in the community of residence of the impending change in address of the offender.

This notification must take place no less than five days in advance of the move. This also applies to sex offenders who move to Minnesota from another state. Upon receipt of this information, the local law enforcement agency will forward the address information to the Minnesota BCA.

The Chatfield Police Department Policy is as follows:

- A. When a convicted offender notifies the Chatfield Police Department that he/she is moving from Chatfield, the offender will be required to meet with an officer at the Chatfield Police Department. The officer will complete the "Change of Address" form provided by the BCA. A case number will be pulled and an Incident Report completed documenting the registration. For classification purposes, the Sex Offender Registration designation will be used. A photograph will be taken for Departmental mug photo files. The offender will then sign the form and a photocopy will be provided to offender by the officer. *
- B. A copy will be retained in Departmental files, with the original forwarded to the BCA and a copy to the prospective home agency of the offender.

Minnesota BCA
Attn: SOR Unit
1430 Maryland Ave. E.
St. Paul, MN 55106-2802

* In the event the offender is from out of state and new to Minnesota, the officer will complete a BCA "Sex Offender Notification and Registration" instead of the "Change of Address" form. In completing this form, the officer will be required to gather more data, i.e., offender modus operandi, take at least two photographs of the offender and collect fingerprints. One photograph and the fingerprints will be forwarded to the BCA with the registration form. The remaining photograph will be retained in Departmental mug photo files.

2-3.02 COMMUNITY NOTIFICATION

For each offender who falls under the scope of this policy, a community notification plan will be established. A good faith effort will be made to complete the plan at least 14 days in advance of the offender's release from confinement and acceptance for supervision. The notification plan established will be consistent with the **risk level assessment** established by the Department of Corrections and minimally include the preparation of the **Offender Fact Sheet**.

This agency will carry out notification procedures as required by MN State Statute 244.052 and 244.053. The notification will be carried out as either **mandatory or discretionary**.

A. **Level I Offender (lowest risk of re-offense)**

1. **Mandatory:**

Victims: The fact sheet shall be given to the victims of the offender who have requested notification and the request has been made known to the agency, and if the agency has an address of the victim.

Offender: The offender shall receive a copy of the fact sheet.

2. **Discretionary Disclosure:**

Any Witnesses: The fact sheet may be given to any witness of the offense committed by the offender if the request for information has been made known to the agency and the agency has the address of the witness.

Any other law enforcement agency where the offender is likely to be encountered.

B. **Level II Offender (moderate risk of re-offense)**

1. **Mandatory:**

Victims: The fact sheet shall be given to the victims of the offender who have requested notification and the request has been made known to the agency, and if the agency has an address of the victim.

Offender: The offender shall receive a copy of the fact sheet.

Any Witnesses: The fact sheet may be given to any witness of the offense committed by the offender if the request for information has been made known to the agency and the agency has the address of the witness.

Any other law enforcement agency where the offender is likely to be encountered.

2. **Discretionary Disclosure:**

Additional disclosure may be made to the following groups or organizations the offender is likely to encounter:

- a. Educational Institutions, both public and private;
- b. Day Care Establishments; and
- c. Establishments and organizations which primarily serve clients who are likely to be victims of the offender.

C. Level III Offender (high risk of re-offense)

1. Mandatory Disclosure:

Victims: The fact sheet shall be given to the victims of the offender who have requested notification and the request has been made known to the agency, and if the agency has an address of the victim.

Offender: The offender shall receive a copy of the fact sheet.

Any Witnesses: The fact sheet shall be given to any witness of the offense committed by the offender if the request for information has been made known to the agency and the agency has the address of the witness.

Any other law enforcement agency where the offender is likely to be encountered.

Additional disclosure may be made to the following groups or organizations the offender is likely to encounter:

- a. Educational Institutions, both public and private;
- b. Day Care Establishments; and
- c. Establishments and organizations which primarily serve clients who are likely to be victims of the offender.

2. Discretionary Disclosure

Additional disclosure of the fact sheet may be made to any other members of the community which the offender is likely to encounter:

2-3.03 EXCHANGE OF INFORMATION

Any data collected under the Community Notification or Sex Offender Registration Statutes may be provided to another law enforcement agency which may be initiating or conducting an investigation, or to assist with community notification or offender registration.

2-3.04 RE-NOTIFICATION

When an offender notifies of intent to move from the City of Chatfield, or within the City, the following shall be done:

- A. Assist the offender in completing the Sex Offender Change of Address Notice. Once completed, a copy will be sent to the Chief Law Enforcement Officer of the jurisdiction to which the offender intends to

move. The original will be forwarded to the Bureau of Criminal Apprehension. A copy will be retained within Departmental files.

- B. When an offender moves within the City of Chatfield, a re-evaluation of appropriate community notification will take place. Consideration will be given to the offender **risk level**, the distance of the move, and other changes which have occurred specific to the offender.
- C. If requested by the prospective home agency, complete information pertaining to the offender will be provided.
- D. Periodic review of the community notification records will be carried out to determine if re-notification is appropriate.

2-3.05 COMMUNITY NOTIFICATION: DISPOSITIONAL DEPARTURES

For those offenders placed on probation as a dispositional departure and who are unclassified, an offender fact sheet may be distributed to the following groups and agencies the offender is likely to encounter:

- A. A copy will be mailed to the offender
- B. Disclosure may be made to the following groups and agencies the offender is likely to encounter:
 - 1. Educational Institutions;
 - 2. Day Care Centers; and
 - 3. Establishments and organizations serving clients likely to be victimized by the offender.

2-3.06 COMMUNITY NOTIFICATION-ALL OTHER REGISTERED OFFENDERS

- A. This policy recognizes that under Minnesota Statutes not all persons who are required to register under 243.166 fall within the scope of the Community Notification Act.
- B. Any data in the possession of the agency concerning an individual who is required to register, but is not subject to the Community Notification Act, shall be administered, collected, maintained, and disseminated consistent with Minnesota Statute Section 13.82 or any other relevant provisions of law.

CHATFIELD POLICE DEPARTMENT

SECTION 3-3
SUBJECT: DOMESTIC VIOLENCE

INDEX

3-3.01 INITIAL RESPONSE
3-3.02 ARREST DECISIONS
3-3.03 OBTAINING EVIDENCE
3-3.04 REPORTS AND FORMS
3-3.05 ORDER FOR PROTECTION
3-3.06 FORMAL CHARGES
3-3.07 DUAL ARRESTS

POLICY

The Chatfield Police Department recognizes domestic violence as a serious social problem and is committed to actively investigating and prosecuting these offenses, providing appropriate and timely Social Service referrals, and undertaking early intervention to reduce the possibility of serious injury and break the cycle of violence.

The Chatfield Police Department also recognizes that the response to and actions taken reference domestic violence, including domestic assault, harassment, and stalking, are regulated and specified under state statutes, and that all actions taken by officers of the Chatfield Police Department shall be in compliance thereof. Specific statutes to review would include 629.341, 629.72, 609.224 Subd. 2 (a), 609.2242, 609.749, 629.34, 609.748, 626.556, and 260.133.0

PURPOSE

To clearly establish for agency personnel:

- Guidelines and procedures to be followed by peace officers in law enforcement's response to domestic violence.
- To prevent future incidents of domestic violence by establishing arrest rather than mediation as the preferred law enforcement response to domestic violence.
- To reaffirm peace officers' authority and responsibility to make arrest decisions in accordance with established probable cause standards.
- To complement and coordinate efforts with the development of domestic violence prosecution plans, so that law enforcement, prosecution and advocacy will be more efficient and successful.
- To document allegations of domestic violence so there can be meaningful prosecution and delivery of victim services.

To comply with the requirements of Minnesota Statute 629.342

SCOPE

This section is applicable to all members of the Chatfield Police Department.

STANDARDS

3-3.01 INITIAL RESPONSE

The department regards domestic violence as a serious crime against persons and responds accordingly. Officers will follow appropriate tactical and investigative techniques.

When the initial officer makes contact, entry may be denied.

A. Refused Entry

If refused entry, the officers should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused the officers should request the dispatcher to contact the caller.

B. Forced Entry

If access is still refused and the officers have reason to believe that someone is in imminent danger the officers are permitted to force entry.

C. Search Warrant Entry

If the officers are refused entry and have no legal grounds for forced entry and have reasonable grounds to believe a crime has been committed, the officers should contact the appropriate authority to obtain a search warrant.

When investigating domestic assault cases officers will secure the scene, assist any victim in obtaining necessary medical treatment, take statements, gather physical evidence and photograph the scene when appropriate.

Victims of domestic violence shall be advised of their rights and resources at the scene. The investigating officer shall provide the victim with a Chatfield Police Department Crime Victim Information card along with the case number and name of the investigating officer.

If the victim wishes to speak to a victim advocate, the investigating officer will arrange for an advocate by phoning the appropriate resource, briefing their personnel on the incident, and requesting that an advocate contact the victim.

Officers shall remain at the scene until the suspect has been arrested, a participant leaves, or the officer is otherwise convinced that further physical violence is not imminent.

Officers shall request that victims obtaining any medical treatment or victims having any visible injuries as a result of a domestic assault sign a medical release of information form. This shall be done before the officer leaves the scene.

3-3.02 ARREST DECISIONS

Upon establishing probable cause that a domestic assault has taken place, officers shall arrest the suspect at the scene, or if the suspect has fled, use reasonable measures to locate and arrest the suspect within twelve (12) hours of the incident.

If a suspect is arrested, the suspect shall be jailed pending a formal complaint/initial appearance on a citation. Victim information shall be filled out on the arrest form and sent to the jail with the suspect so that the victim can be contacted prior to the suspect's release.

Officers will make charging decisions based on probable cause, the prevailing facts and evidence, not on the desires of the victim. It shall be the responsibility of the investigating officer to determine if the suspect has any past domestic assault convictions. When applicable, the investigating officer shall document the suspect's history in the narrative report to ensure that the appropriate enhanced charges can be issued under Minnesota Law.

3-3.03 OBTAINING EVIDENCE

Officers shall identify, gather, and preserve evidence that will enhance the ability to prosecute, including, but not limited to:

- A. Detailed documentation of physical evidence of a victim's injuries (including photographs, medical records, written descriptions and detailed observations, and self defense injuries).
- B. A detailed documentation of the physical appearance of the crime scene.
- C. Recorded statement of the victim about the pending assault, prior assaults, existing or past orders for protection or other court orders.
- D. Statements from the assailant/defendant.
- E. Recorded statements from all other potential witnesses.
- F. Detailed description of the victim's statements and the victim's emotional state immediately upon arrival at the scene (excited utterances).

- G. Collection of other prior offense evidence.

3-3.04 REPORTS AND FORMS

An incident report shall be completed on all calls involving an allegation of domestic violence.

An incident report shall be completed in all situations which have resulted in an arrest or are likely to result in criminal charges.

- A. Domestic arrests (male or female) involving significant relationships (male/female or female/female).
- B. Order for protection violation arrests.
- C. Harassment order violation arrests.

In the case of an officer issuing a violations summons/citation for fifth degree (domestic) assault or a violation of an order for protection, all incident reports and other related documentation shall be forwarded to the prosecuting attorney for review prior to the scheduled date of the arraignment hearing as set forth in the violations summons/citation.

The incident report shall contain a detailed description of any injuries to either the victim or the suspect. The incident report shall also contain any statements made by the victim soon after the officer's arrival and the officer's observations of the victim's state of emotion. This statement information will assist prosecutors in getting the victim's statements into evidence as an "excited utterance" exception to the hearsay rule.

3-3.05 ORDER FOR PROTECTION

Officers investigating a violation of an Order for Protection shall arrest upon probable cause when the suspect is present and in other instances make a reasonable effort to locate and arrest the offender. In the course of investigating violations of a protection order, the officer shall document any previous violations in the narrative report for purposes of applying appropriate enhanced penalties.

Pursuant to 518.b.01, Subd. 14-B, persons arrested for violations of an Order for Protection shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless released earlier by a judge.

3-3.06 FORMAL CHARGES

If the suspect is not taken into custody after a domestic assault violation, or is not located following a violation of an Order for Protection, the investigating officer shall forward a copy of the report to the Prosecuting Attorney to request a formal complaint. The suspect should be charged via complaint/warrant for either violation.

3-3.07 DUAL ARRESTS

It normally should be possible to assess which party has committed an assault. Officers shall be careful to determine which actions have been taken in self-defense. Dual arrests are appropriate when two clearly separate assaults have been committed (i.e. the first assault/fight has ended and a second occurs, defense of the first assault goes beyond defense, or the second party commits a later assault in the presence of the officers, etc.).

CHATFIELD POLICE DEPARTMENT

SECTION 3-09
SUBJECT: USE OF FORCE

INDEX

3-09.01	TRAINING
3-09.02	DEFINITIONS
3-09.03	GENERAL RULES GOVERNING USE OF FORCE
3-09.04	CONTACT WEAPONS
3-09.05	CHEMICAL AGENTS
3-09.06	ELECTRONIC INCAPACITATION DEVICES
3-09.07	USE OF RESTRAINING DEVICES
3-09.08	OTHER INSTRUMENTS OF FORCE
3-09.09	"USE OF FORCE" REPORT REQUIRED
3-09.10	DEADLY FORCE
3-09.11	INVESTIGATION OF DEADLY FORCE SITUATIONS AND OFFICER INVOLVED FATALITIES
3-09.12	NEWS RELEASES
3-09.13	USE OF FORCE CONTINUUM

POLICY

It is the policy of **the Chatfield Police Department** to ensure officers respect the sanctity of human life when making decisions regarding use of force. Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. Officers shall treat everyone with dignity and without prejudice and use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of others and the officer.

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

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

The decision by an officer to use force or deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using such force.

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

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

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

PURPOSE

It is the purpose of this policy to establish guidance for Chatfield Police Department peace officers on the Use of Force and Deadly Force based on with the following Minnesota State Statutes:

626.8452 - DEADLY FORCE AND FIREARMS USE; POLICIES AND INSTRUCTION REQUIRED;

626.8475 - DUTY TO INTERCEDE AND REPORT;

609.06 - AUTHORIZED USE OF FORCE;

609.065 - JUSTIFIABLE TAKING OF LIFE

609.066 - AUTHORIZED USE OF FORCE BY PEACE OFFICERS

SCOPE

This policy applies to all sworn officers of the Chatfield Police Department

STANDARDS

3-09.01 TRAINING

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

agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.

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

3-09.02 DEFINITIONS

3-09.02.01 Chokehold

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

3-09.02.02 Contact Weapons

Contact weapons means all objects and instruments which are used, or designed to be used, to apply force to the person of another by coming into physical contact with that person. Approved contact weapons are limited to police batons and less lethal kinetic energy impact projectiles.

3-09.02.03 Deadly Force

Force which the officer uses with the purpose of causing, or which the officer should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

3-09.02.04 Other Than Deadly Force:

Force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.

3-09.02.05 Preparatory Use of Force

The preparatory use of force occurs when an officer draws any type of weapon and/or levels the weapon at the subject, thus giving the subject the impression that the weapon will be used if the subject's actions dictate. For Departmental reporting purposes, the preparatory use of force does not amount to the actual use of the level of force the officer is preparing for.

3-09.02.06 Verbal Threat of Force

The verbal threat of the use of force, provided the preparatory use of force is not present, does not constitute the use of that level of force.

3-09.02.07 Great Bodily Harm

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

3-09.02.08 Reasonable, Reasonable Grounds, Reasonably Necessary or Should Reasonably Know

When facts or circumstances the officer believes, knows, or should know, are such as to cause a reasonable and prudent officer, to act or think in a similar manner under similar circumstances.

3-09.02.09 Weapon

Weapon means any instrument used, or designed to be used, to apply force to the person of another.

3-09.02.10 Authorized Device

Approved weapon means a device or instrument which an officer has received permission from the department to carry and use in the discharge of that officer's duties, and, for which the officer has:

1. Obtained training in the required technical, mechanical, and physical aspects of the device; and
2. Has developed a knowledge and understanding of the law, rules, and regulations regarding the employment of such weapons.

3-09.02.11 Active Countermeasures

Any weapons used which are designed expressly for the purpose of creating temporary dysfunction of a person's central nervous system. Approved active countermeasures include, but are not limited to, less lethal kinetic energy impact

projectiles, electronic incapacitation devices, diversionary devices, and chemical agents.

3-09.02.12 Physical Restraint

An instrument used to prohibit freedom of movement in the arms or legs of a person. Approved instruments of physical restraint include; handcuffs, flex cuffs, hobble restraint, belly chain, and leg irons.

3-09.02.13 Takedown

The act of physically forcing another person to the ground or against another solid object for the purpose of gaining a position of advantage to control the person.

3-09.02.14 Compliance Maneuver

The act of physically grabbing or slapping another person in order to gain control of the person or prevent escape. The use of tactical arm bars, which the officer has been specifically trained to apply, constitutes the use of a compliance maneuver.

3-09.02.15 Pressure Point Control

Pressure Point Control is a method or manner of applying pressure to a nerve with either the hand or a contact weapon in a non-striking manner. Before applying pressure point control, an officer must have received training in the proper application of the pressure as well as training in the possible effects on the subject to which the pressure point control is being applied.

3-09.02.16 Assault

An action by a person against the officer, or another person, which causes the officer to reasonably fear that they, or another person, will receive bodily harm from the actor. Assault also includes the infliction or attempted infliction of bodily harm to the officer, or another person, by the actor.

3-09.02.17 Aggravated Assault

An action by a person against the officer, or another person, which the officer has reasonable grounds to believe may cause great bodily harm or death to the officer or another person.

3-09.02.18 Active Resistance

An action performed by a person which leads the officer to reasonably believe that the actor either is or will oppose the officer's actions or verbal orders. Active

resistance also includes the use of verbal clues by the actor, not necessarily immediately accompanied by physical action which would lead the officer to reasonably believe that the actor intends to remain firm in opposing the officer's actions or verbal orders.

3-09.02.19 Passive Resistance

The act of resisting an officer by the use of nonviolent means on the part of the actor. Passive resistance includes, but is not limited to, peaceful demonstration, not moving when ordered to do so by an officer, and other nonphysical acts which would lead the officer to reasonably believe the actor does not intend to comply.

3-09.02.20 Bodily Harm

Physical pain or injury

3-09.02.21 De-Escalation

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

3-09.03 GENERAL RULES GOVERNING USE OF FORCE

3-09.03.01 General Provisions

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

3-09.03.02 Duty to Intercede

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

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

3-09.03.03 Duty to Report

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

3-09.03.04 De-escalation

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of another or the officer and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

3.09.03.05 Use of Other Than Deadly Force

1. When de-escalation techniques are not effective or appropriate, an officer may consider the use of other than deadly force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved other than deadly force techniques and issued equipment in the following circumstances:
 - a. effecting a lawful arrest; or
 - b. the execution of legal process; or
 - c. enforcing an order of the court; or
executing any other duty imposed upon the public officer by law; or
 - d. defense of self or another.

3-09.03.06 Use of Certain Types of Force

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

1. Chokeholds,
2. Tying all of a person's limbs together behind a person's back to render the person immobile, or;
3. Securing a person in any way that results in transporting the person face down in a vehicle.
4. Less than lethal measures must be considered by the officer prior to applying these measures.

3-09.03.06 Use of Deadly Force

1. An officer is authorized to use deadly force if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary. Use of deadly force is justified when one or both of the following apply;
 - a. To protect the peace officer or another from death or great bodily harm, provided that the threat:
 - i. can be articulated with specificity;
 - ii. is reasonably likely to occur absent action by the law enforcement officer; and
 - iii. must be addressed through the use of deadly force without unreasonable delay; or
 - b. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in paragraph (a), items (i) to (iii), unless immediately apprehended.
2. An officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (1a), items (i) to (iii).
3. Where feasible, the officer shall identify themselves as a law enforcement officer and warn of his or her intent to use deadly force.

3-09.03.07 Recordkeeping Requirements

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

3-09.04 CONTACT WEAPONS

3-09.04.01 Contact Weapons - Use

Contact weapons shall be used to strike a person only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted, or the officer reasonably believes that by not using this level of force they will be assaulted unless action is taken. Contact weapons may be used only in the following manner:

- A. To ward off blows or kicks from another person, or
- B. To strike another for the purpose of rendering that person temporarily incapacitated, or
- C. To restrain or disarm persons, or
- D. In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade.
- E. Approved contact weapons include: Issued or supplied batons and less lethal kinetic energy impact projectiles.

3-09.04.02 Precautions

Officers striking another person with a contact weapon should avoid intentionally striking, when reasonably possible, bodily areas likely to result in great bodily harm or death unless deadly force is authorized under this section. These areas include the head, neck, throat, armpits, elbows, ribs, and kneecaps.

Officers intentionally striking another person with a contact weapon should attempt to strike, when reasonably possible, bodily areas likely to result only in an incapacity. These areas include the arms, hands, legs, shins, toes, solar plexus, rear shoulder blades, buttocks, thighs, calves, and tendons or ankles.

3-09.04.03 Medical Attention

Any person struck with a contact weapon shall be given appropriate medical attention, and a report shall be submitted to a supervisor prior to going off shift.

3-09.04.04 Prohibition

Section 3-09.04 is intended to prohibit the intentional striking of an individual above the shoulders. It is not intended to apply to an accidental striking -- perhaps as a result of physical resistance or an assault upon the officer or when use of deadly

force would be authorized by this section. Contact weapons shall be used only in accordance with departmental approved training.

3-09.05 CHEMICAL AGENTS

3-09.05.01 Approved Agents

Approved chemical agents include: Issued chemical agents or officer supplied chemical agents approved by the Chief of Police

3-09.05.02 Use

Chemical agents shall be used only in accordance with departmental training. The use of chemical agents is considered to be non-deadly force. Officers shall make a reasonable attempt to ensure that only intended persons are sprayed or otherwise subjected to the application of chemical agents.

3-09.05.03 Termination

Chemical agents shall never be used once an individual is subdued and under an officer's control. Chemical agents shall not be applied to any person for the purpose of exacting punishment.

3-09.05.04 Medical Attention

Any person who has been exposed to chemical agents shall be given appropriate medical attention if recommended by the chemical manufacturer or medically necessary. A report must be submitted to a supervisor prior to going off shift.

3-09.06 ELECTRONIC INCAPACITATION DEVICES

3-09.06.01 Approved Electronic Incapacitation Devices

The Department approved electronic incapacitation devices are the M26, X26 and the X26P Taser.

3-09.06.02 Use

The M26, X26 or X26P Taser may be used to control an uncooperative person when attempts to subdue the subject by other more conventional tactics have failed, or when there is reason to believe they will fail, or there is reasonable expectation that a close approach to the person may bring harm to the person or officers.

1. Definition

The M26, X26 and X26P Taser is considered a less lethal conducted energy weapon that uses propelled probes attached to wires to conduct energy to a person, thereby controlling and affecting the central nervous system of the body.

2. Effectiveness

The M26, X26 and X26P Taser causes Electro-Muscular Disruption (EMD) which overrides the central nervous system, causing uncontrollable contractions of muscle tissue.

3. Force Continuum

Within the Chatfield Police Department's Use of Force Continuum, the M26, X26 and X26P Taser are an Active Countermeasure and is considered an intermediate level use of force.

3-09.06.03 TRAINING

Training in the use of the M26, X26 and X26P Taser will consist of an initial department approved user certification course. An annual recertification is required.

Only the officers who have completed the approved training will be authorized to carry and deploy the M26, X26 and X26P Taser.

3-09.06.04 FIELDING AND DEPLOYMENT

1. Fielding

The individual officer is responsible for the condition of the M26, X26 or X26P Taser at the beginning of the shift and at the time of deployment. At the time the M26, X26 or X26P Taser is prepared for service, the officer will do the following:

- a. Check to ensure that a 21-foot or 25-foot air cartridge is in place and at least one additional cartridge is present.
- b. Check the condition of the batteries to ensure they are fully charged and the Taser is working correctly.

During the course of the officer's shift, the M26, X26 or X26P Taser is to be kept readily accessible.

Since the batteries used to power the M26, X26 and X26P Taser are sensitive to the cold, anytime the Taser is not in service and the temperature is below 32 degrees Fahrenheit it should not be in the squad car for extended periods of time.

2. Deployment Planning

Upon determining that the M26, X26 or X26P Taser is required, the following actions are recommended. The officer in charge will:

- Advise all present that a Taser is on scene.
- Ensure lethal cover is present when needed.
- Arrange for officers to contain the scene.
- Arrange for arrest team.
- Ensure that the M-26, X26 or X26P Taser is not deployed near flammable liquids, fumes, or in conjunction with flammable OC spray.

3. Deployment

When practical, the following will be done:

- Deploying officer should broadcast, "Taser, Taser," to others, alerting them that firing is imminent.
- Upon firing, the firing officer will observe the person for effect.
- When appropriate, the firing officer will give the command, "Effect Arrest."
- If the initial application is not effective and the situation allows, the firing officer may reload and fire again or use the Taser in a touch stun mode.
- In the event the M-26, X26 or X26P Taser is not effective, other countermeasures will be considered.

4. Probe Removal and Subject Treatment

Treatment will be as follows:

- Once in custody, a supervisor shall be notified.
- Body Substance Isolation safety precautions
- If the probes penetrate the skin, the supervisor shall be advised.
- Probes that penetrate the skin of the head, neck, groin or a female's breast shall be removed at a medical facility; otherwise an officer on the scene may remove the probes.
- EMS will be summoned to administer care to the subdued/compliant person if requested.
- Officers must be alert to secondary injuries from the fall.

5. Investigation and Reporting

Incidents involving the Taser shall be investigated and documented in the following manner:

- Photographs will be taken of probe penetration sites and secondary injuries.
- Cartridge and probes will be treated as biohazard, packaged, labeled and placed into evidence.

- Several AFID chips should be collected from the scene and packaged, labeled and placed into evidence.
- Deployment data shall be downloaded.
- A Chatfield Police Department Use of Force Report shall be completed.

3-09.06.05 CARRY METHODS

A. Approved Carry Methods

Chatfield Police Department has selected a duty belt holster as the Department provided carry method. Chatfield Police Department recognizes that officers may want to utilize an optional carry method. As such, officers may purchase an approved type of optional carry method at the officer's own expense.

The following optional carry methods are approved:

- Thigh holster

B. Requirements for the Optional Carry Method Holsters

- The holsters must have a strap to secure the M-26, X26 or X26P Taser into the holster.
- The holsters must be worn on the officer's non-gun side.
- Must provide for the carrying of at least one spare Taser cartridge on the holster or belt.

3-09.07 USE OF RESTRAINING DEVICES

3-09.07.01 Approved Devices

Only Department supplied or authorized restraining devices may be used. These include handcuffs, flex cuffs, belly chains, leg irons, and hobble restraints.

3-09.07.02 Use

An officer should handcuff/flex cuff all subjects being transported when under arrest. This provides for control of the subject and the safety of the officer and/or others that may take over custody of the subject. The officer may exercise discretion regarding minor offenses and extenuating circumstances (ie. age, medical conditions) (See Chapter 9)

3-09.07.03 Securing

Unless circumstances make it unreasonable, handcuffs/flex cuffs shall be secured behind a subject's back.

3-09.07.04 Limitations

1. Handcuffs/flex cuffs/belly chain cuffs shall not be fastened tighter than necessary and shall always be double-locked to prevent inadvertent tightening.
2. The following limitations are placed on the use of hobble restraints:
 - a. During transport, the restraints will be placed below the knees.
 - b. While escorting the suspect, the restraints may be positioned above the knees.
 - c. The restraints will in no way be connected to handcuffs or flex cuffs which are placed about an individual's wrists, whether in front of or behind the suspect.
 - d. A subject shall be removed from a face down position as soon as possible after any restraint is applied and shall not be transported in a face down position. Prisoners shall be transported sitting up, and seat belted in place.
 - e. Care should be taken when applying restraints on an individual, as pressure on the back in a face down position will often cause an individual to struggle more as a defensive reaction to increased difficulty in breathing. Whenever possible, persons should be restrained while lying on their side or in another position other than face down.

3-09.08 Other Instruments of Force

3-09.08.01 Use of Instruments

Other instruments or tools shall only be used when reasonable under the circumstances. Use of any of the above instruments is controlled by state law and provisions of Chatfield Police Department Policies.

3-09.08.02 Limitation

Except for the authorized use of Pressure Point Control, at no time shall an officer use an instrument merely to inflict pain.

3-09.08.03 Self Defense

Nothing in this Chapter is intended to prevent an officer from using any means or instrument available for self-defense when the Use of Deadly Force is authorized by this Policy and made reasonably necessary by the circumstances.

3-09.09 "USE OF FORCE" REPORT REQUIRED

Whenever an officer uses a level of force above level 2 (Dialogue) according to the use of force continuum (3-09.13), excluding the use of physical restraints, provided no other force higher than level 2 is used up to, during, or after the application of the physical restraints, in the performance of their duty, a "Use of Force" report shall be completed by the officer applying the force. Each officer is responsible for completing the report for their own use of force. One report per officer will suffice in cases where multiple subjects simultaneously receive the same action from an officer, provided no injuries are sustained. An individual report shall be completed for all injured persons.

3-09.10 DEADLY FORCE

3-09.10.01 Use of Deadly Force Authorized

Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the line of duty is justified only when necessary: 1) To protect self or another from apparent death or great bodily harm; 2) to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or 3) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes the person will cause death or great bodily harm if apprehension is delayed.

3-09.10.02 Prohibitions

Deadly force shall never be used under the following circumstances:

- 1.. As a warning (warning shots will not be fired);
- 2.. Discharging a firearm from a moving vehicle, unless Minnesota State Statute 609.066 (Deadly Force) applies;
- 3.. Discharging a firearm at a moving vehicle, unless Minnesota State Statute 609.066 (Deadly Force) applies;
4. In any situation where the officer doubts the circumstances required in Minnesota State Statute 609.066 (Deadly Force) exists.

3-09.11 INVESTIGATION OF DEADLY FORCE SITUATIONS AND OFFICER INVOLVED FATALITIES

This section establishes the departmental procedure to be followed when an officer is involved in any activity resulting in a fatality regardless if the use of deadly force was

involved. This section also applies when an officer is responsible for the accidental or intentional discharge of any firearm, or the intentional use of deadly force, by any means, whether or not death or injury occurs as a result of the action taken.

3-09.11.01 Supervisory Notification

The officer shall notify a supervisor about the incident as soon as possible. After being given the appropriate notices and warnings, officers may be compelled to give testimony regarding actions taken during the course and scope of their employment. Failure to comply with this provision may result in disciplinary action up to and including discharge.

3-09.11.02 Supervisory Responsibilities

The immediate supervisor notified shall proceed to the scene of the incident, temporarily isolate the officer involved, and begin an investigation of the incident. This is to include the securing of witnesses and physical evidence.

3-09.11.03 Procedure -- No Injuries

If the immediate supervisor determines that the incident was an accidental discharge resulting in NO injuries to any person, the procedure shall be:

1. The immediate supervisor shall notify the Chief of Police.
2. The immediate supervisor shall proceed with the investigation of the incident and forward all reports to the Chief of Police.
3. The Chief of Police shall review all reports on the incident and complete any further investigation or reports necessary.

3-09.11.04 Procedure -- Injury or Fatality

If the incident involves the intentional use of Deadly Force or has resulted in any type of injury or fatality to any person, the immediate supervisor shall notify the Chief of Police, as soon as possible, advising of information relevant to the incident.

3-09.11.05 Investigation

After giving consideration to the constitutional rights of the officer involved, the Chief of Police or designees, shall at first opportunity begin a complete investigation of the incident, including interviewing the officer and all witnesses involved, collecting all physical evidence relating to the incident, and completing and directing the completion of all reports and written statements necessary.

3-09.11.06 Disposition

The Chief of Police shall maintain a file of all reports and documents related to the case, and upon completion of the investigation, forward copies to the County Attorney, if appropriate under the circumstances.

3-09.11.07 Administrative Leave Required

The officer involved (in an incident covered by Section 3-09.11.04) will be relieved from normal duties and placed on administrative leave with pay for a minimum of three (3) days. During the investigation or until a final determination by the Chief of Police and/or County Attorney concerning the incident is made, the administrative leave may be continued, or the officer transferred to other duties as deemed appropriate by the Chief or a designee.

3-09.11.08 Procedural Exceptions -- Use of Outside Agencies

Only the Chief of Police or designee shall alter this procedure. They may, at any time during the investigation, request assistance in, or completion of the investigation by another agency with the jurisdictional authority to do so.

3-09.11.09 Psychologist Provided

As soon as practical after an officer is involved in an incident resulting in a fatality or great bodily harm:

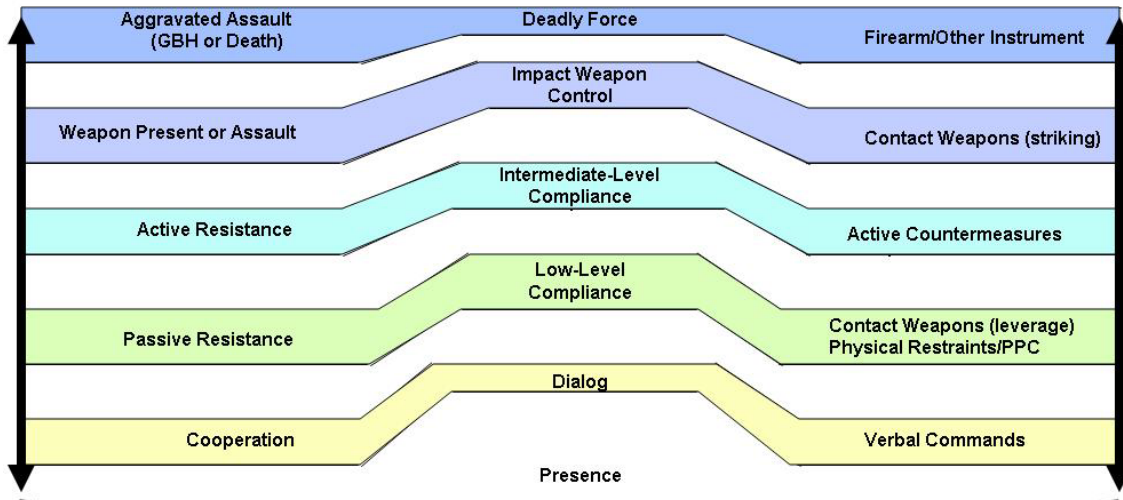
All personnel who were directly involved with the incident may be directed by the Chief of Police to see a psychologist retained by the City for such purposes. The purpose of this visit is to promote the officer's emotional welfare prior to returning to regular duty. The department may ascertain from the psychologist that the officer is in fact emotionally ready to return to regular duty. Any other information pertaining to the mandated counseling session(s) shall remain confidential between the psychologist and officer.

3-09.12 NEWS RELEASES

All news releases concerning the accidental or intentional discharges of weapons, use of force or the use of Deadly Force by officers, shall be released by the Chief of Police, or designee.

USE OF FORCE CONTINUUM

Chatfield Police Department



REASONABLE PERCEPTIONS OF SUBJECT'S ACTION(S)

INTENSITY OF RESPONSE

REASONABLE RESPONSE OPTIONS

GBH Great Bodily Harm
 ACM Active Counter-Measures
 OC Oleoresin Capsicum
 PPC Pressure Point Control
 Chatfield Police Dept. Use of Force Continuum
 Revised 4/05

Active Countermeasures:
 Takedown/Compliance Maneuver
 Chemical Agents
 Less Lethal Kinetic Energy Impact Projectiles
 Electronic Incapacitation Device
 Diversionary devices

3-12.08 OPERATING WITHOUT LIGHTS

3-12.08.01 Purpose

To establish guidelines in accordance with applicable statutes to govern the conduct of officers of by the Chatfield Police Department as licensed peace officers for the purpose of operating a motor vehicle or watercraft without lights. Minnesota Statute 169.48, 169.541, Subd. 1 and 2 (see Appendix A herein).

When operating a motor vehicle or watercraft without lights, an officer's conduct must be reasonable and consistent with the guidelines established by current Minnesota Statutes and this regulation.

3-12.08.02 Definitions

Department - The Chatfield Police Department.

Operating Without Lights - Operating without lights means a peace officer operating a vehicle or watercraft without lights as an exception to Minnesota Statutes Sections 84.87, 84.928, 169.48 to 169.65, and 361.15. This definition does not include a parked vehicle.

Peace Officer - Peace officer has the meaning given it in Minnesota Statutes 626.64, Subd. 1(C).

Vehicle - Motor Vehicle, Watercraft, ATV, or Snowmobiles

3-12.08.03 General Provisions

- A. Only sworn officers may operate, without lights, motor vehicles or watercraft which are owned, leased or otherwise the property of Department.
- B. Operating of motor vehicles or watercraft without lights must be in the performance of the officer's law enforcement duties.
- C. The officer must reasonably believe that operating a motor vehicle or watercraft without lights is necessary under the circumstances to investigate a criminal violation or suspected criminal violation of State Laws, Rules, or Orders or Local Laws, Ordinances, or Regulations.
- D. The vehicle must be operated in a manner which gives due regard to the safety of other persons and vehicles which might be in the area.

3-12.08.04 Allowable Operation Without Lights.

- A. To enter an area undetected.

- B. For investigative purposes.
- C. When following a suspected criminal violator at a safe distance.

3-12.08.05 Operation Without Lights is Not Permitted:

- A. On interstate highways.
- B. At speeds greater than what is reasonable and prudent under existing weather, road and traffic conditions.
- C. In situations where the officer is an active participant in pursuing a motor vehicle being operated in violation of Minnesota Statutes 609.487 (Fleeing Peace Officer in a Motor Vehicle).
- D. Contrary to the elements listed in Minnesota Statute 169.541. (see Appendix A)
- E. Contrary to any written policies or procedures established by the Chief of Police.
- F. When a police vehicle is in motion and attempting to clock, overtake or stop a suspected petty misdemeanor traffic violator.

3-12.08.06 Property Damage/Personal Injury Report

If there is property damage or personal injury resulting from operating a motor vehicle or watercraft without lights, the officer involved shall immediately notify a supervisor of the circumstances. An incident report shall be completed by the officer as soon as possible following the incident. In no case shall the report be delayed more than 24 hours unless the officer is unable to complete it due to injury. In that case, the immediate supervisor shall complete the report.

CHATFIELD POLICE DEPARTMENT

SECTION 3-13
SUBJECT: POLICE PURSUIT

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POLICY

The primary purpose of this policy is to ensure officers and any member of the Chatfield Police Department respects the sanctity of life when making decisions regarding vehicle pursuits. Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The intent of this policy is to provide officers with guidance in balancing the safety of the public, safety of other officers and themselves, and law enforcement's duty to apprehend violators of the law, while minimizing the potential for pursuit related crashes.

PURPOSE

To clearly establish for agency personnel the department expectations while operating a department vehicle in a pursuit.

To comply with the requirements of Minnesota Statute 626.8458, subd 2.

SCOPE

This section shall be applicable to all sworn personnel of the Chatfield Police Department.

GUIDING PRINCIPLES

- A decision to pursue should be based upon the totality of information and circumstances reasonably known to the officer at the time the decision is made, recognizing that law enforcement must often make immediate decisions with partial information.
- The safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue (Minn. Stat. § 626.8458 Sub. 2 (1)).
- No officer will be disciplined for terminating a pursuit.
- Officers, when responding to an emergency call or pursuing a fleeing vehicle shall, when approaching a stop sign or red light, slow down as necessary for safety, but may proceed cautiously if they sound a siren or display at least one red light to the front (Minn. Stat. §169.03(2)).
- The speed limitations do not apply to an authorized emergency vehicle responding to an emergency call or vehicle pursuit, although this 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 (Minn. Stat. §169. 177).
- Officer(s) should consider reducing their speeds and ensuring that the way is clear before proceeding thru an intersection or other locations where there is an increased likelihood of a collision with another vehicle or pedestrian. Evaluation of vehicle speeds should take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.
- Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

03-13.01 DEFINITIONS

- A. Pursuit: An active attempt by a sworn member operating a patrol unit or specialty unmarked unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a peace officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights or taillights, refuses to stop the vehicle, or uses other means with intent to attempt to elude a peace officer (Minn. Stat. §609.487).
- B. Termination of a Pursuit: A pursuit is terminated when the pursuing officer(s) notify dispatch, turn off their emergency lights and sirens, and reduce speed to the posted speed limit.

- C. Divided Highway: Any highway that is separated into two or more roadways by:
1. A physical barrier, or
 2. A clearly indicated dividing section constructed so as to impede vehicular traffic.
- D. Channeling: To direct vehicular traffic into a progressively narrowing passageway or lane location on the roadway.
- E. Compelling Path: The use of channeling technique with a modified roadblock located at its narrowed end. The compelling path differs from a termination roadblock in that the driver or any vehicle traveling the path has an exit option at the narrowed end.
- F. Pursuit Intervention Technique (PIT): A driving maneuver designed to stop a fleeing motorist by applying precision vehicle-to-vehicle-contact resulting in a predictable spin of the suspect's vehicle, bringing it to a stop.
- G. Flee: The term "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 (Minn. Stat. § 609.487 Subd. 1).
- H. Primary Unit: The law enforcement unit that initiates a pursuit or any other unit that assumes control of the pursuit.
- I. Support Units: The primary responsibility is to remain in close proximity to the pursuing vehicle(s) so that officers are immediately available to render aid or assistance to anyone who may require it as a result of the pursuit. Support officers may also assume responsibility for radio traffic, and do not take over/assume control of the pursuit.
- J. Other Assisting Units: Units not actively involved in the pursuit itself but assisting by deploying stop sticks, blocking intersections, compelling paths, or otherwise working to minimize risk.
- K. Ramming: The deliberate act of impacting a fleeing offender's vehicle with another vehicle to functionally damage or otherwise force the violator to stop.
- L. Portable Tire Deflation Device: A device that extends across the roadway and is designed to puncture the tires of the fleeing offender's pursued vehicle.
- M. Blocking or vehicle intercept: A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.
- N. Boxing-in: A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

- O. Paralleling: The practice of non-pursuing squad vehicles driving on streets nearby to the active pursuit, in a manner parallel to the pursuit route. Parallel driving does not exempt officers from obeying traffic laws. Minn. Stat. § 169.14, subd. 1.

3-13.02 PURSUIT CONSIDERATIONS

A. Pursuit is justified:

1. when the need for immediate apprehension or the risk to public safety outweighs the risk created as a result of the pursuit.
2. when there is reasonable expectation of a successful apprehension of the suspect.

B. Factors to be considered when weighing risks:

1. Severity of the offense (in cases of non-violent offenses, officers should consider terminating the pursuit).
2. Speed of the pursuit
3. Area of the pursuit (including the geographical area, time of day, amount of vehicular and pedestrian traffic)
4. Divided highways and one-way roads (Minn. Stat. § 169.03 Subd. 3)
5. Approach to intersections that are controlled by traffic signals, signs, or other location where there is an increased likelihood of a collision (Minn. Stat. § 169.03)
6. Environmental conditions (weather, visibility, road surface conditions)
7. Special hazards (school zones, road construction, parades, special events)
8. The ability to identify the offender at a later time
9. Age of the suspect and occupants
10. Other persons in or on the suspect vehicle

C. Standards applied to the ongoing evaluation of a pursuit, as well as the decision to continue a pursuit shall include the following considerations:

1. The immediate need to apprehend the offender outweighs the risk created by the pursuit.
2. The dangers created by the pursuit exceed the dangers posed by allowing the offender to escape.

3. Involved officers should frequently re-evaluate factors and conditions to assess the continuation of the pursuit.

3-13.03 PROCEDURES & TACTICS FOR AN OFFICER ENGAGING IN A PURSUIT

- A. Emergency vehicles shall be driven in a safe manner and with due regard for public safety.
- B. Emergency vehicles operating in emergency mode are permitted to violate certain traffic regulations, when necessary, as long as the operator continues to exercise due care in vehicle operation.
- C. The driver of the primary unit shall notify dispatch of the pursuit and shall provide at least the following critical information to dispatch when possible:
 1. Officer identification
 2. Travel direction/location/traffic and road conditions
 3. Reason for initial contact (specific violations)
 4. Identity of fleeing driver, if known
 5. Plate number, if available, and/or vehicle description
 6. Speed of fleeing vehicle
 7. Provide relevant evolving information to dispatch
- D. Vehicle-to-vehicle contact should not be intentionally administered unless the officer has received specific training in Pursuit Immobilization Technique (PIT) or the circumstances would justify the use of deadly force.
- E. Roadblocks must conform to the agency's policy on use of force
- F. Only law enforcement vehicles with emergency lights and siren will be used as pursuit vehicles
- G. Unmarked and low-profile agency vehicles may engage in pursuits until a marked vehicle can take over as the primary vehicle.

3-13.04 PROCEDURES & TACTICS FOR SUPPORT UNITS

- A. 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.
- B. When possible, non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, obeying all non-emergency traffic laws

- C. All participating units should operate under emergency conditions.
- D. Officers shall not become engaged in pursuits while operating a non-departmental (private) motor vehicle or departmental vehicles not equipped with required emergency equipment.

03-13.05 SUPERVISION OF PURSUIT ACTIVITIES

- A. The use of a detached supervisor that is not directly involved in the pursuit, when available, should be considered.
- B. Based on the known information the supervisor, when available, shall monitor the pursuit in order to take appropriate action to continue or terminate the pursuit
- C. Procedures regarding control over pursuit activities should include:
 - 1. Verbally acknowledge they are monitoring the pursuit.
 - 2. Assess critical information necessary to evaluate the continuation of the pursuit. Evaluate and ensure pursuit is within policy.
 - 3. Direct that the pursuit should be discontinued if it is not justified to continue under the guidelines of this policy or for any other reason.
 - 4. Communicate to all involved units if the pursuit should be terminated.
- D. Options to keep in mind during a pursuit include, but are not limited to:
 - 1. Parallel pursuits
 - 2. Channeling techniques
 - 3. Creating a compelling path
 - 4. Air support
 - 5. Spike strips or other tire deflation device
 - 6. Pursuit Intervention Techniques (PIT)
 - 7. Blocking or Vehicle Intercept
 - 8. Boxing-in
 - 9. Other apprehension or GPS tracking methods
- E. Post-pursuit chain of command notifications are required and shall be identified in each agency's policy.

3-13.06 DISPATCH RESPONSIBILITIES

- A. Upon notification that a pursuit has been initiated, Dispatch will be responsible for the following:
 - 1. Coordinate pursuit communications of the involved units and personnel.
 - 2. Notify and coordinate with other involved or affected agencies as practicable.
 - 3. Ensure that a supervisor, if available, is notified of the pursuit.
 - 4. Assign an incident number and log all pursuit activities.
 - 5. Broadcast pursuit updates as well as other pertinent information as necessary.

3-13.07 FACTORS INFLUENCING THE TERMINATION OF A PURSUIT

- A. The driver of the primary unit and the supervisor shall continually evaluate the risks and likelihood of a successful apprehension of the suspect and shall consider terminating the pursuit under the following conditions.
- B. The officer deems the conditions of the pursuit too risky for the safe continuation of the pursuit.
- C. A supervisor orders it terminated.
- D. Information is communicated that indicates the pursuit is out of compliance with policy.
- E. Communication is broken.
- F. Visual contact is lost for a reasonable period of time, or the direction of travel cannot be determined.
- G. The suspect is known and could be apprehended later, and delaying apprehension does not create a substantial known risk of injury or death to another.

3-13.08 INTERJURISDICTIONAL PURSUIT

- A. The primary unit shall update critical information to the dispatcher before leaving its jurisdiction.
- B. The primary law enforcement vehicle shall remain the primary vehicle in other jurisdictions unless the controlling pursuit authority transfers its authority to another jurisdiction.

- C. Upon receiving notification, the pursuit is entering another agency's jurisdiction, the dispatcher shall forward all critical information possessed by the dispatcher to that agency.
- D. When a pursuit enters this law enforcement agency's jurisdiction:
 - 1. The dispatcher shall update the critical information to the shift supervisor or other authorized individual identified by the law enforcement agency.
 - 2. The controlling pursuit authority shall determine if the pursuit is in conformance with policy and shall provide appropriate direction to their units.
- E. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.
 - 1. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5)).
- F. If a pursuit from another agency enters the Department's jurisdiction, Dispatch should update the on-duty supervisor.
 - 1. No pursuit will continue into another state unless permission is received from a supervisor, if available, and as soon as it practical.
 - 2. Prior to, or as soon as possible after crossing the state line, the dispatcher will notify the appropriate out of state authority to coordinate the pursuit and the channels to be used for communications.
- G. Fresh pursuit outside state boundaries
 - 1. Subject to the conditions identified under F. 1 and 2 above, the officer may continue the pursuit across state lines with those states, which grant reciprocity. This would include North Dakota, South Dakota, Iowa, and Wisconsin (Minn. Stat. §626.65, Uniform Law on Fresh Pursuit; Reciprocal.)

3-13.09 AIR SUPPORT

- A. 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.
- B. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

- C. 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.

3-13.10 PURSUIT SUMMARY REPORT

- A. The primary officer and the supervisor shall file a pursuit summary report.
- B. To ensure compliance with Minn. Stat. § 626.5532, the chief law enforcement officer shall ensure the completion of the State pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the pursuit.
- C. The report must contain the following elements:
 - 1. the reason(s) for, and the circumstances surrounding the pursuit;
 - 2. the alleged offense;
 - 3. the length of the pursuit in distance and time;
 - 4. the outcome of the pursuit;
 - 5. any injuries or property damage resulting from the pursuit; and
 - 6. any pending criminal charges against the driver.
 - 7. other information deemed relevant by the Commissioner of Public Safety.

3-13.11 CARE AND CONSIDERATION OF VICTIMS

- A. If during a pursuit an officer observes or is made aware of an injury to an individual, the officer shall immediately notify the dispatcher to have the appropriate emergency units respond. Rendering assistance includes, but is not limited to:
 - 1. Calling an ambulance
 - 2. Rendering first aid until the officers are no longer needed at the injury scene
 - 3. Summoning additional units to the scene for assistance with the injured persons and/or traffic control

3-13.12 USE OF FIREARMS

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

3-13.13 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects shall be consistent with the agency use of force policy and Minn. Stat. §609.06.

3-13.14 EVALUATION AND CRITIQUE

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

3-13.15 TRAINING

In accordance with POST requirements, all sworn members shall be given initial and periodic updated training in the department's pursuit policy and safe emergency vehicle operation tactics.

In accordance with Minn. Stat. §626.8458, the chief law enforcement officer shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities.

This training shall comply with learning objectives developed and approved by the board and shall minimally consist of at least eight hours of classroom and skills-based training every five years. Continual training should also be considered for those officers authorized to use the PIT maneuver, tire deflation device deployment, GPS tracking, and related pursuit intervention procedures, tactics, and technologies.

If the chief law enforcement officer determines an officer will not be involved in police pursuits, the CLEO must notify POST of the officer's exemption status

CHATFIELD POLICE DEPARTMENT

SECTION 3-16
SUBJECT SEXUAL ASSAULT

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POLICY

The Chatfield Police Department strives to serve victims of sexual assault or abuse using a victim centered and science-based approach.

PURPOSE

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate, 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.

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.

To comply with the requirements of Minnesota Statute 626.8442

SCOPE

This section is applicable to all members of the Chatfield Police Department.

3-16.01 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. Science Based Methodology: Using investigation methods that include the science based effects that experiencing trauma or high stress can have on a person's ability to recall the experience.

- E. Assault or Sexual Assault: The act of engaging in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

- F. 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

- G. 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.
- H. 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.
- I. 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.
- J. 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:
 - 1. 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
 - 2. because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

3-16.02 INITIAL RESPONSE

A. Initial Officer Response

When responding to a scene involving a sexual assault, officers follow standard incident response procedures. In addition, when interacting with victims:

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 will attempt to determine the location/jurisdiction where the assault occurred.
3. Inquire of any signs and symptoms of injury, to include strangulation. If so document them in an appropriate manner. Collect any clothing worn during or after the assault, bedding or other items connected with the assault and place in a paper bag. If all items are not present, instruct the victim not to wash the items and place in a paper bag, providing paper bags if needed.
4. Encourage the victim to go to a medical facility for a forensic medical exam. Offer to arrange for transportation for the victim. Officers should attempt to obtain a signed medical release from the victim for the medical facility.

If a recent assault:

- a. Suggest that the victim not bathe or clean him or herself if the assault took place recently. Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.
 - b. 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.
5. Inform the victim that there are confidential victim advocates available and ask if it would be ok to attempt to contact one, if unable to reach one, provide the victim with contact information for the victim advocate program.
 6. Explain the investigation process including the roles of the officers, supervisors, and anyone else with whom the victim will likely interact during the course of the investigation. Request preferred contact information for the victim for follow-up.
 7. Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

3-16.03 VICTIM INTERVIEW

A. Initial Response Interview

Officers should recognize that victims of sexual assaults may be best served using trauma informed interviewing techniques and strategies. If the officer is not trained in such interview techniques, the interview should be limited to what is needed to ensure

the immediate safety of the victim and general public, to limit the duplication of interviews and use a question and answer interviewing format as nondirective as possible to elicit spontaneous responses in the following areas:

1. Is the suspect(s) known to the victim, if so, what is the relationship
2. Was any force or weapons used or threatened.
3. Was anyone else present or did anyone witness the assault.

B. Forensic Interview

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 as a result of the traumatic event a victim may not be able to recall all the details of the assault during a particular interview. Including but not limited to:
 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

3-16.04 PROTECTING VICTIM RIGHTS

- A. 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)
- B. Crime Victim Rights: Officers should provide victims with the applicable information:
 - 1. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - 2. 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.
 - 3. 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.
 - 4. 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.
- C. Other information: Officers should provide to the victim the ICR number, and contact information for the reporting officer and/or officer/investigator handling the follow up.

3-16.05 EVIDENCE COLLECTION

Officers shall follow this agency's policy on crime scene response. Considerations for Evidence Collection officers may do the following:

- A. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. This should be in accordance with Policies 8-1, 8-2, 8-4.
- 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.
- E. Sexual Assault Medical Forensic Examinations

Prior to the sexual assault medical forensic examination occurring after the assault has been report to the agency, officer should try to 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. Inform the victim that they will not incur any out-of-pocket expenses for forensic medical exams and if they receive a bill to contact the officer.
 2. Explain to the victim the investigative value of a sexual assault medical forensic exam. Advise the victim that a forensic examiner, health care professional, or a victim advocate would be the best resource for questions or guidance about the exam process.
 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 designated medical facility. When possible transport the victim using an unmarked, uncaged squad and allow the victim to seat where they are comfortable.
 4. Ask the victim for a signed release for access to medical records from the exam.
- F. Officers should not be present during any part of the exam, including during the medical history.
- G. Following the exam, evidence collected during the exam shall be handled according to the requirements of Policy 8-4 and Minnesota Statute 299C.106.

3-16.06 SPECIAL CONSIDERATIONS—MINORS AND VULNERABLE ADULTS/DOMESTIC ABUSE VICTIMS

A. Minors and Vulnerable Adults

Officers should recognize that certain victims, due to their age or a physical, mental, or emotional distress, may be best served using trauma informed interviewing techniques and strategies. Officer 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.

1. Initial Response Interview

If the officer is not trained in such interview techniques, the interview should be limited to what is needed to ensure the immediate safety of the victim and general public, to limit the duplication of interviews and use a question and answer interviewing format as nondirective as possible to elicit spontaneous responses in the following areas:

- a. Ensuring the safety of the victim.
- b. Ensuring the scene is safe.
- c. Identify the location the assault occurred.
- d. Safeguarding evidence where appropriate.
- e. Addressing the immediate medical needs of individuals at the scene.
- f. Obtain contact information for the victim and caregiver, guardian or parents and where the victim may be located at a later time.
- g. Collecting any information necessary to identify the suspect.
- h. Officers may need to seek the above information from parents, caregivers, the reporting party, or other adult witnesses in certain circumstances, unless those individuals are believed to be the perpetrators.

2. Forensic Interview

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, a forensic interview should only be conducted by officers with specialized training. When the victims are Minors or Vulnerable Adults efforts should be taken to conduct a team investigation with the appropriate local human services agency. If the initial report did not come from appropriate local human services agency Officers need to follow the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable.

- a. 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.
- b. 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.

B. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member should refer to Policy 3-03 Domestic Abuse for applicable guidelines as well as this policy.

3-16.07 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).

3-16.08 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.

3-16.09 ROLE OF THE SUPERVISOR

Supervisors may do the following:

1. Provide investigation oversight, guidance and direction as needed.
2. Assist officers investigating incidents of sexual assault if requested by an officer.
3. Review sexual assault reports and evidence collected to ensure that necessary steps were taken during initial response and investigations.
4. Ensure submissions of evidence for lab testing.

CHATFIELD POLICE DEPARTMENT

SECTION 3-17
SUBJECT: PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY

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3-17.09	DOCUMENTATION OF PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY

POLICY

The Chatfield Police Department will uphold the constitutional rights of free speech and assembly while using the minimum use of physical force and authority required to address a crowd management or crowd control issue.

The policy of the Chatfield Police Department ("department") regarding crowd management and crowd control is to apply the appropriate level of direction and control to protect life, property, and vital facilities while maintaining public peace and order during a public assembly or First Amendment activity. Department personnel must not harass, intimidate, or discriminate against or unreasonably interfere with persons engaged in the lawful exercise of their rights.

This policy concerning crowd management, crowd control, crowd dispersal, and police responses to violence and disorder applies to spontaneous demonstrations, crowd event situations, and planned demonstration or crowd events regardless of the permit status of the event.

PURPOSE

The First Amendment to the Constitution of the United States of America states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

The Bill of Rights in Article 1 of the [Minnesota Constitution](#) addresses the rights of free

speech and the liberty of the press. However, neither the state nor federal constitutions protect criminal activity or threats against citizens, businesses, or critical infrastructure.

The Chatfield Police Department supports all people's fundamental right to peaceably assemble and their right to freedom of speech and expression.

The purpose of this policy is to provide guidelines to the Chatfield Police Department personnel regarding the application and operation of acceptable law enforcement actions addressing public assemblies and First Amendment Activity.

SCOPE

This section is applicable to all members of the Chatfield Police Department.

STANDARDS

3-17.01 DEFINITIONS

3-17.01.01 Chemical Agent Munitions

Munitions designed to deliver chemical agents from a launcher or hand thrown.

3-17.01.02 Control Holds

Control holds are soft empty hand control techniques as they do not involve striking.

3-17.01.03 Crowd Management

Techniques used to manage lawful public assemblies before, during, and after an event. Crowd management can be accomplished in part through coordination with event planners and group leaders, permit monitoring, and past event critiques.

3-17.01.04 Crowd Control

Techniques used to address unlawful public assemblies.

3-17.01.05 Deadly Force

Force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm.

(Reference Chatfield Police Department Use of Force Policy, MN Statutes [609.06](#) and [609.066](#))

3-17.01.06 Direct Fired Munitions

Less-lethal impact munitions that are designed to be direct fired at a specific target.

3-17.01.07 First Amendment Activities

First Amendment activities include all forms of speech and expressive conduct used to convey ideas and/or information, express grievances, or otherwise communicate with others and include both verbal and non-verbal expression. Common First Amendment activities include, but are not limited to, speeches, demonstrations, vigils, picketing, distribution of literature, displaying banners or signs, street theater, and other artistic forms of expression. All these activities involve the freedom of speech, association, and assembly and the right to petition the government, as guaranteed by the United States Constitution and the [Minnesota State Constitution](#).

The government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

3-17.01.08 Great Bodily Harm

Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm. (Reference: Chatfield Police Department Use of Force Policy, MN Statutes [609.06](#) and [609.066](#))

3-17.01.09 Legal Observers

Individuals, usually representatives of civilian human rights agencies, who attend public demonstrations, protests and other activities. The following may be indicia of a legal observer: Wearing a green National Lawyers' Guild issued or authorized Legal Observer hat and/or vest (a green NLG hat and/or black vest with green labels) or wearing a blue ACLU issued or authorized legal observer vest.

3-17.01.10 Less-lethal Impact Munitions

Impact munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing significant potential of causing death.

3-17.01.11 Media

Media means any person who is an employee, agent, or independent contractor of any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means..

3-17.01.12 Unlawful Assembly MN Stat. 609.705

When three or more persons assemble, each participant is guilty of unlawful assembly, which is a misdemeanor, if the assembly is:

- (1) with intent to commit any unlawful act by force; or
- (2) with intent to carry out any purpose in such manner as will disturb or threaten the public peace; or
- (3) without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.

History:

[1963 c 753 art 1 s 609.705](#); [1971 c 23 s 69](#)

3-17.02 LAW ENFORCEMENT PROCEDURES

3-17.02.01 Uniform

All officers responding to public assemblies must at all times, including when wearing protective gear, display their agency name and a unique personal identifier in compliance with this department's uniform policy. The chief law enforcement officer must maintain a record of any officer(s) at the scene who is not in compliance with this requirement due to exigent circumstances.

3-17.02.02 Officer conduct

- Officers shall avoid negative verbal engagement with members of the crowd. Verbal abuse against officers does not constitute a reason for an arrest or for any use of force against such individuals.
- Officers must maintain professional demeanor and remain neutral in word and deed despite unlawful or anti-social behavior on the part of crowd members.
- Officers must not take action or fail to take action based on the opinions being expressed.
- Officers must not interfere with the rights of members of the public to observe and document police conduct via video, photographs, or other

methods unless doing so interferes with on-going police activity.

- Officers must not use a weapon or munition unless the officer has been trained in the use and qualified in deployment of the weapon/munition.

This policy does not preclude officers from taking appropriate action to direct crowd and vehicular movement; enforce ordinances and statutes; and to maintain the safety of the crowd, the general public, law enforcement personnel, and emergency personnel.

3-17.03 RESPONSES TO CROWD SITUATIONS

Lawful assembly. Individuals or groups present on the public way, such as public facilities, streets, or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering.

3-17.03.01 Unlawful assembly

- The definition of an unlawful assembly has been set forth in Minnesota Statute [§609.705](#).
- The mere failure to obtain a permit, such as a parade permit or sound permit, is not a sufficient basis to declare an unlawful assembly
- The fact that some of the demonstrators or organizing groups have engaged in violent or unlawful acts on prior occasions or demonstrations is not grounds for declaring an assembly unlawful.
- Whenever possible, the unlawful behavior of a few participants must not result in the majority of peaceful protestors being deprived of their First Amendment rights, unless other participants or officers are threatened with dangerous circumstances.
- Unless emergency or dangerous circumstances prevent negotiation, crowd dispersal techniques must not be initiated until after attempts have been made through contacts with the police liaisons and demonstration or crowd event leaders to negotiate a resolution of the situation so that the unlawful activity will cease, and the First Amendment activity can continue.

3-17.03.02 Declaration of Unlawful Assembly

If the on-scene supervisor/incident commander has declared an unlawful assembly, the reasons for the declaration and the names of the decision maker(s) must be recorded. The declaration and dispersal order must be

announced to the assembly. The name(s) of the officers announcing the declaration should be recorded, with the time(s) and date(s) documented.

3-17.03.02.01 The dispersal order must include

- Name, rank of person, and agency giving the order
- Declaration of Unlawful Assembly and reason(s) for declaration
- Egress or escape routes that may be used
- Specific consequences of failure to comply with dispersal order
- How long the group has to comply

Whenever possible, dispersal orders should also be given in other languages that are appropriate for the audience. Officers must recognize that not all crowd members may be fluent in the language(s) used in the dispersal order.

Dispersal announcements must be made in a manner that will ensure that they are audible over a sufficient area. Dispersal announcements-must be made from different locations when the demonstration is large and noisy. The dispersal announcements should be repeated after commencement of the dispersal operation so that persons not present at the original broadcast will understand that they must leave the area. The announcements must also specify adequate egress or escape routes. Whenever possible, a minimum of two escape/egress routes shall be identified and announced.

3-17.03.03 Crowd Dispersal

- Crowd dispersal techniques should not be initiated until officers have made repeated announcements to the crowd, or are aware that repeated announcements have been made, asking members of the crowd to voluntarily disperse, and informing them that, if they do not disperse, they will be subject to arrest.
- Unless an immediate risk to public safety exists or significant property damage is occurring, sufficient time will be allowed for a crowd to comply with officer commands before action is taken.
- If negotiations and verbal announcements to disperse do not result in voluntary movement of the crowd, officers may employ additional crowd dispersal tactics, but only after orders from the on-scene supervisor/incident commander. The use of these crowd dispersal tactics shall be consistent with the department policy of using the minimal officer intervention needed to address a crowd management or control issue.
- If, after a crowd disperses pursuant to a declaration of unlawful assembly and subsequently participants assemble at a different geographic location where the participants are engaged in non-violent and lawful First Amendment activity, such an assembly cannot be dispersed unless it has

been determined that it is an unlawful assembly, and a new declaration of unlawful assembly has been made.

3-17.04 TACTICS AND WEAPONS TO DISPERSE OR CONTROL A NON-COMPLIANT CROWD

Nothing in this policy prohibits officers' abilities to use appropriate force options to defend themselves or others as defined in the Chatfield Police Department Use of Force policy.

3-17.04.01 Use of Batons

Batons must not be used for crowd control, crowd containment, or crowd dispersal except as specified below.

- Batons may be visibly displayed and held in a ready position during squad or platoon formations.
- When reasonably necessary for protection of the officers or to disperse individuals in the crowd pursuant to the procedures of this policy, batons may be used in a pushing, pulling, or jabbing motion. Baton jabs must not be used indiscriminately against a crowd or group of persons but only against individuals who are physically aggressive or actively resisting arrest. Baton jabs should not be used in a crowd control situation against an individual who is attempting to comply but is physically unable to disperse or move because of the press of the crowd or some other fixed obstacle.
- Officers must not strike a person with any baton to the head, neck, throat, kidneys, spine, or groin, or jab with force to the armpit unless the person has created an imminent threat of great bodily harm to another.
- Batons shall not be used against a person who is handcuffed except when permissible under this department's Use of Force policy and state law.

3-17.04.02 RESTRICTIONS ON CROWD CONTROL AND CROWD DISPERSAL

- **Canines**

Canines must not be used for crowd control, crowd containment, or crowd dispersal.

- **Fire Hoses**

Fire hoses must not be used for crowd control, crowd containment, or crowd dispersal.

- **Electronic Control Weapons**

(ECWs) must not be used for crowd control, crowd containment, or crowd dispersal.

- **Motorcycles and police vehicles**

Motorcycles and police vehicles must not be used for crowd dispersal, but may be used for purposes of observation, visible deterrence, traffic control, transportation, and area control during a crowd event.

- **Skip Fired Specialty Impact Less-Lethal Munitions**

Skip Fired Specialty Impact Less-Lethal Munitions (Wooden Dowels and Stinger Grenades) may be used as a last resort if other crowd dispersal techniques have failed or have been deemed ineffective.

- **Direct Fired munitions**

Direct Fired munitions may never be used indiscriminately against a crowd or group of persons even if some members of the crowd or group are violent or disruptive.

- Except for exigent circumstances, the on-scene supervisor/incident commander must authorize the deployment of Direct Fired munitions. Direct Fired munitions must be used only against a specific individual who is engaging in conduct that poses an immediate threat of loss of life or serious bodily injury to them self, officers, or the general public; or is creating an imminent risk to the lives or safety of other persons through the substantial destruction of property.
- Officers shall not discharge a Direct Fired munitions at a person's head, neck, throat, face, left armpit, spine, kidneys, or groin unless deadly force would be justified.
- When circumstances permit, the on-scene supervisor/incident commander must make an attempt to accomplish the policing goal without the use of Direct Fired munitions as described above, and, if practical, an audible warning shall be given to the subject before deployment of the weapon.

- **Aerosol Hand-held Chemical Agents**

- Aerosol Hand-held Chemical Agents must not be used in a demonstration or crowd situation or other civil disorders without

the approval of the on-scene supervisor/incident commander.

- Aerosol, hand-held, pressurized, containerized chemical agents that emit a stream shall not be used for crowd management, crowd control, or crowd dispersal during demonstrations or crowd events.
- Aerosol hand-held chemical agents may not be used indiscriminately against a crowd or group of persons, but only against specific individuals who are engaged in specific acts of serious unlawful conduct or who are actively resisting arrest.
- Officers shall use the minimum amount of the chemical agent necessary to overcome the subject's resistance.
- When possible, persons should be removed quickly from any area where handheld chemical agents have been used. Officers must monitor the subject and pay particular attention to the subject's ability to breathe following the application of a chemical agent.
- A subject who has been sprayed with a hand-held chemical agent shall not be left lying on their stomach once handcuffed or restrained with any device.

03-17.04.03 CHEMICAL MUNITIONS USE

- Chemical munitions use in a crowd situation is subject to the following:
- Chemical munitions must be used only when:
 - A threat of imminent harm or serious property damage is present, or other crowd dispersal techniques have failed or did not accomplish the policing goal as determined by the incident commander, sufficient egress to safely allow the crowd to disperse exists, and
 - The use of chemical munitions is approved by the on-scene supervisor/incident commander, and
 - When feasible, additional announcements should be made prior to the use of chemical munitions in a crowd situation warning of the imminent use of chemical munitions.
 - Deployment of chemical munitions into a crowd must be avoided to prevent unnecessary injuries.
 - CN chemical munitions are prohibited.

- **The use of each chemical munition must be recorded (time, location), and the following information must be made available by the department upon request:**
 - the name of each chemical munition used in an incident,
 - the location and time of use for each munition deployment,
 - access to the safety data sheet (SDS) for chemical munition

Where extensive use of chemical munitions would reasonably be anticipated to impact nearby residents or businesses, agencies should consider proactively notifying impacted individuals of safety information related to the munitions use as soon as possible, even if after the event.

When chemical munitions are used, an emergency responder will be on standby at a safe distance near the target area when feasible.

Chemical munitions are subject to the same procedural requirements as outlined in the Chatfield Police Department's UOF policy.

03-17.05 ARRESTS

If the crowd has failed to disperse after the required announcements and sufficient time to disperse, officers may encircle the crowd or a portion of the crowd for purposes of making multiple simultaneous arrests.

Persons who make it clear (e.g., by non-violent civil disobedience) that they seek to be arrested may be arrested and must not be subjected to other dispersal techniques, such as the use of batons or chemical agents. Persons refusing to comply with arrest procedures may be subject to the reasonable use of force.

- Arrests of non-violent persons shall be accomplished by verbal commands and persuasion, handcuffing, lifting, carrying, the use of dollies and/or stretchers, and/or the use of soft empty hand control holds.
- Officers must document any injuries reported by an arrestee, and as soon as practical, officers must obtain professional medical treatment for the arrestee.
- Juveniles arrested in demonstrations shall be handled consistent with department policy on arrest, transportation, and detention of juveniles.
- Officers arresting a person with a disability affecting mobility or communication

must follow the department policy on arrest, transportation, and detention of persons with disabilities.

03-17.06 HANDCUFFS

- All persons subject to arrest during a demonstration or crowd event shall be handcuffed in accordance with department policy, orders, and training bulletins.
- Officers should be cognizant that flex-cuffs may tighten when arrestees hands swell or move, sometimes simply in response to pain from the cuffs themselves. When arrestees complain of pain from overly tight flex cuffs, officers must examine the cuffs and ensure proper fit.
- Arrestees in flex-cuffs must be monitored to prevent injury.
- Each unit involved in detention and/or transportation of arrestees with flex-cuffs should have a flex-cuff cutter and adequate supplies of extra flex-cuffs readily available.

03-17.07 MEDIA

- The media have a First Amendment right to cover public activity, including the right to record video or film, livestream, photograph, or use other mediums.
- The media must not be restricted to an identified area and must be permitted to observe and must be permitted close enough access to view the crowd event and any arrests. An onsite supervisor/incident commander may identify an area where media may choose to assemble.
- Officers will not arrest members of the media unless they are physically obstructing lawful efforts to disperse the crowd, or efforts to arrest participants, or engaged in criminal activity.
- The media must not be targeted for dispersal or enforcement action because of their media status.
- Even after a dispersal order has been given, clearly identified media must be permitted to carry out their professional duties unless their presence would unduly interfere with the enforcement action.

03-17.08 LEGAL OBSERVERS

- Legal observers, including unaffiliated self-identified legal observers and crowd monitors, do not have the same legal status as the media, and are subject to laws and orders similar to any other person or citizen.
- Legal observers and monitors must comply with all dispersal orders unless the on-site supervisor/incident commander chooses to allow such an individual legal observer/s and monitor/s to remain in an area after a dispersal order.

- Legal observers and crowd monitors must not be targeted for dispersal or enforcement action because of their status.

03-17.09 DOCUMENTATION OF PUBLIC ASSEMBLY AND FIRST AMENDMENT ACTIVITY

- The purpose of any visual documentation by Chatfield Police Department of a public assembly or first amendment activity must be related only to:
 - Documentation of the event for the purposes of debriefing,
 - Documentation to establish a visual record for the purposes of responding to citizen complaints or legal challenges, or Creating visual records for training purposes.
- If it is the policy of Chatfield Police Department to videotape and photograph, it must be done in a manner that minimizes interference with people lawfully participating in First Amendment activities. Videotaping and photographing of First Amendment activities must take place only when authorized by the on-site supervisor/incident commander.
- Individuals should not be singled out for photographing or recording simply because they appear to be leaders, organizers, or speakers.
- Unless evidence of criminal activity is provided, videos or photographs of demonstrations shall not be disseminated to other government agencies, including federal, state, and local law enforcement agencies.
 - If videos or photographs are disseminated or shared with another law enforcement agency, a record should be created and maintained noting the date and recipient of the information.
- If there are no pending criminal prosecutions arising from the demonstration or if the video recording or photographing is not relevant to an Internal Affairs or citizen complaint investigation or proceedings or to civil litigation arising from police conduct at the demonstration, the video recording and/or photographs shall be destroyed in accordance with department policies.

This directive shall not prohibit department members from using these videos or footage from such videos as part of training materials for officers in crowd control and crowd dispersal techniques and procedures.

CHATFIELD POLICE DEPARTMENT

SECTION 5-2
**SUBJECT: EYEWITNESS IDENTIFICATION PROCEDURES MODEL POLICY:
SHOW-UPS, PHOTOGRAPHIC IDENTIFICATIONS AND LINEUPS**

INDEX

5-2.01 SHOW-UPS
5-2.02 LINE-UPS AND PHOTO ARRAY PROCEDURES

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

To clearly establish for agency personnel:

- 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..

SCOPE

This section is applicable to all sworn members of the Chatfield Police Department.

DEFINITIONS

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.

STANDARDS

5-2.01 SHOW-UPS

- A. **DEFINITION:** 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.
- B. 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.
 - 1. Document the witness's description of the perpetrator prior to conducting the show up.
 - 2. Conduct a show-up only when the suspect is detained within a reasonable time frame after the commission of the offense and within a close physical proximity to the location of the crime.
 - 3. Do not use a show-up procedure if probable cause to arrest the suspect has already been established.
 - 4. 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.

5. 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.
6. Do not conduct the show-up with more than one witness present at a time.
7. Separate witnesses and do not allow communication between them before or after conducting a show-up.
8. If one witness identifies the suspect, use a line-up or photo array for remaining witnesses.
9. Do not present the same suspect to the same witness more than once.
10. Do not require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of the perpetrator.
11. 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.
12. Ask the witness to provide a confidence statement.
13. Remind the witness not to talk about the show-up to other witnesses until police or prosecutors deem it permissible.
14. Videotape the identification process using an in-car camera or other recording device when feasible.
15. Document the time and location of the show-up, the officers present, the result of the procedure, and any other relevant information.

5-2.02 LINE-UPS AND PHOTO ARRAY PROCEDURES

A. DEFINITIONS:

1. **Photo Array:** A means of presenting photographs to an eyewitness for the purpose of identifying or eliminating suspects.
2. **Line-up:** The process of presenting live individuals to an eyewitness for the purpose of identifying or eliminating suspects.

B. Basic Procedures for Conducting a Line-up or Photo Array

1. Line-ups will not typically be utilized for investigations, unless conducting a photo array is not possible.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. If there is more than one suspect, include only one in each line-up or photo array.
8. 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.
9. Place suspects in different positions in each line-up or photo array, both across cases and with multiple witnesses in the same case.
10. Witnesses should not be permitted to see or be shown any photos of the suspect prior to the line-up or photo array.
11. 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

12. 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.
13. Multiple identification procedures should not be conducted in which the same witness views the same suspect more than once.
14. 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.
15. Following an identification, the administrator shall ask the witness to provide a confidence statement and document the witness's response.
16. The administrator shall ask the witness to complete and sign an Eyewitness Identification Procedure Form.

17. 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.

C. Photographic Arrays

1. Creating a Photo Array

- A. Use contemporary photos.
- B. Do not mix color and black and white photos.
- C. Use photos of the same size and basic composition.
- D. Never mix mug shots with other photos and ensure consistent appearance of photograph backgrounds and sizing.
- E. Do not include more than one photo of the same suspect.
- F. 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.
- G. 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.
- H. Fillers should not be reused in arrays for different suspects shown to the same witness.

2. Conducting the Photo Array

- A. 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.
- B. If a blind administrator is not available, the administrator shall ensure that a blinded presentation is conducted using the following procedures.

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.
- C. 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.
- D. 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.

D. Line-ups

1. Conducting the Line-up
 - A. Live line-ups shall be conducted using a blind administrator.
 - B. Ensure that all persons in the line-up are numbered consecutively and are referred to only by number.
2. The primary investigating officer is responsible for the following:
 - A. 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.

- B. 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.
- C. Making arrangements to have persons act as fillers.
- D. 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.
- E. 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

Sequential Photo Display Form

(Next Page)

Sequential Photo Display Form

SEQUENTIAL PHOTO DISPLAY FORM (Witness Side)

Dept.: _____ C.N.: _____ OFFENSE: _____ Lineup ID# _____

WITNESS: _____ DOB _____ ADMINISTRATOR: _____

DATE: _____ TIME: _____ INVESTIGATOR ASSIGNED: _____

READ TO WITNESS BEFORE PHOTO DISPLAY:

___ 1. I am about to show you a set of photos. The person who committed the crime
[or: _____] may or may not be included.

(SELECT ONE OF THESE OPTIONS AND READ.)

- ___ 2. (IA) I do not know whether the person being investigated is included **OR**
- ___ 3. (FE) I do not know the order of the photos.
- ___ 4. Even if you identify someone during this procedure, I will continue to show you all photos in the series.
- ___ 5. Keep in mind that a photo may be an old one. Some things, like hair styles, can be changed, and skin colors may look slightly different in photographs.
- ___ 6. You should not feel you have to make an identification. It is just as important to clear innocent persons as it is to identify the guilty. Whether or not you identify someone, the investigation will continue.
- ___ 7. You will see only one photo at a time. They are not in any particular order. Take as much time as you need to look at each one. You should avoid discussing this procedure or the results with any other potential witness in the case.

Please initial here if you understand these instructions. _____

(WITNESS TO INITIAL)

TO BE COMPLETED BY WITNESS AFTER PHOTO DISPLAY:

The sequential photo lineup I was shown consisted of ___ photos.

I am unable to select any photo as being the person(s) who _____.

I have selected photo(s) # _____ as the person who _____.

(IF SELECTION MADE) How certain are you of your identification?

_____ Date: _____ Time: _____

Witness signature

(Have witness sign and date any photo picked and attach to this report.)

SEQUENTIAL PHOTO DISPLAY FORM

(Administrator Side)

C.N. _____ **Witness:** _____ **Lineup ID #**

Administrator does does not know identity of suspect.

Instructions to administrator (READ BEFORE SHOWING PHOTO DISPLAY):

A sequential photo lineup must either be presented by an *independent administrator* [IA] (a person who does *not* know the identity of the suspect) or, if unavailable, a *functional equivalent* [FE] method must be used. Functional equivalent means (1) that the administrator cannot see and does not know the order of the photos and (2) that the witness knows the administrator does not know the order. Before beginning the photo display, determine which of these two methods is used (IA or FE), select the appropriate instruction # 2 and cross out the inapplicable # 2.

Fill out the case information on the top of the form. Read instructions on reverse side to witness and have witness initial at end. Show photos one at a time. Only one photo at a time may be visible. As each photo is displayed, ask "Is this the person who [insert crime]?" If yes, ask, "How certain are you of your identification?" Even if identification is made, continue showing remaining photos. After all photos have been displayed, repeat display ONLY if witness requests it. In any repeat, ALL photos must be displayed in the same sequence, even if the witness only requests to see a particular photo or photos again.

Ask witness to complete witness portion of the form and sign it. If any selection is made, have the witness sign and date the photo (or photos) selected. The photo display used must be preserved. (Attach copy to this form.) BE CAREFUL NOT TO PROVIDE ANY FEEDBACK TO WITNESS ON EITHER IDENTIFICATION OR NON-IDENTIFICATION.

After witness has completed witness portion of the form, complete administrator portion of the form. This includes asking the certainty question, administrator observations and number of times display was shown. Departmental policy may also require a standard supplementary report.

To be completed during and after photo display:

Comments made by the witness to any photograph during the photo display (note photo #):

(If identification made) How certain are you of your identification?

Additional observations by administrator (e.g., any physical response or other comments by witness):

Sequential lineup was shown once / _____ times

_____ Date: _____ Time: _____

Administrator's signature

Have witness complete front side. Attach copy of photo display used. Have witness sign and date any photo picked.

CHATFIELD POLICE DEPARTMENT

SECTION 5-4
SUBJECT: CONFIDENTIAL INFORMANTS

INDEX

5-04.01	DEFINITIONS
5-04.02	PROCEDURES
5-04.03	EXIGENT CONFIDENTIAL INFORMANTS
5-04.04	SPECIAL CI APPROVAL REQUIREMENTS
5-04.05	GENERAL GUIDELINES FOR OVERSEEING CIS
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5-04.07	DEACTIVATION OF CONFIDENTIAL INFORMANTS
5-04.08	MONETARY PAYMENTS

POLICY

It is the policy of the Chatfield Police Department to establish procedures and protocols that take necessary precautions concerning the recruitment, control and use of confidential informants.

SCOPE

This section is applicable to all members of the Chatfield Police Department.

STANDARDS

5.04.01 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:
 - a) make a controlled buy or controlled sale of contraband, controlled substance, or other items that are material to a criminal investigation;
 - b) supply regular or constant information about suspected or actual criminal activities to a law enforcement agency; or
 - c) otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

B. Controlled Buy:

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:

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:

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:

The person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

F. Confidential Informant File:

A file maintained to document all information that pertains to a confidential informant.

G. Unreliable Informant File:

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:

For purposes of this policy, a situation 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:

The officer primarily responsible for supervision and management of a confidential informant.

5.04.02

PROCEDURES

5.04.02.01 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:

- A. 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:
1. Age, sex, and residence
 2. Employment status or occupation
 3. Affiliation with legitimate businesses and illegal or suspicious enterprises
 4. Extent to which potential information, associations, or other assistance could benefit a present or future investigation
 5. Relationship with the target of an investigation
 6. Motivation in providing information or assistance
 7. Risk of adversely affecting an existing or future investigation
 8. Extent to which provided information can be corroborated
 9. Prior record as a witness
 10. 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
 11. Risk to the public or as a flight risk
 12. Consultation with the individual's probation, parole, or supervised release agent, if any
 13. 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
 14. Relationship to anyone in law enforcement
 15. Risk of physical harm to the potential CI or their immediate family or relatives for cooperating with law enforcement
 16. Prior or current service as a CI with this or another law enforcement organization
- B. 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.
- C. 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:

1. is receiving in-patient treatment or partial-hospitalization treatment administered by a licensed service provider for a substance use disorder or mental illness; or
 2. is participating in a treatment-based drug court program or treatment court; except that
 3. the prospective or current CI may provide confidential information while receiving treatment, participating in a treatment-based drug court program or treatment court.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. 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.

5.04.03 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.

5-04.04 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.

5-04.05 General Guidelines for Overseeing CIs

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.

5-04.06 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.

5-04.07 Deactivation of Confidential Informants

A CI deactivation procedure must be established as follows:

1. The overseeing agent must complete a deactivation form that includes, at minimum, the following:
 - a. The name of the agency.
 - b. The name of the CI.
 - c. The control number of the CI, where applicable.
 - d. The date of deactivation.
 - e. The reason for deactivation.
 - f. A notification that contractual agreements regarding monetary remuneration, criminal justice assistance, or other considerations, specified or not, are terminated.
 - g. A notification that the agency will provide and assist the CI with referral to health services for assistance with any substance abuse disorder and/or physical, mental, or emotional health concerns, as requested or accepted by the CI.
 - h. A signature by the CI or documentation indicating the reason(s) why the CI was unable or unwilling to sign the form.
 - i. A signature by the overseeing agent.
2. All reasonable efforts must be taken to maintain the safety and anonymity of the CI after deactivation.

5-04.08 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.

CHATFIELD POLICE DEPARTMENT

SECTION: 6-3
SUBJECT: SEIZURE FOR FORFEITURE OF VEHICLES OR PROPERTY ASSOCIATED WITH CERTAIN OFFENSES

INDEX

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POLICY

The Chatfield Police Department will initiate the forfeiture of vehicles used in the commission of designated alcohol related offenses as defined in Minn. Stat. 169A.63, and will initiate the forfeiture of vehicles or property relating to controlled substance violations pursuant to Minn. Stat. 609.5314 and designated offenses as defined in Minn. Stat. 609.531. Forfeiture actions are conducted in accordance with Minnesota law as the Chatfield Police Department determines appropriate on a case by case basis.

PURPOSE

To clearly establish for agency personnel:

- Circumstances under which motor vehicles or other property are subject to seizure and forfeiture.
- Procedures to follow in cases of seizure of motor vehicles or other property pending forfeiture.
- Disposition of vehicles/property forfeited.

SCOPE

This policy is applicable to all members of the Chatfield Police Department.

STANDARDS

6-3.01 DEFINITIONS

- A. **Cash:** money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including but not limited to gift cards, debit cards, gift cards/certificates or other negotiable financial instruments.
- B. **Conveyance Device:** a device used for transportation and includes but is not limited to a motor vehicle, trailer, snowmobile, airplane or vessel and any equipment attached to it. The term "conveyance device" does not include property, which is, in fact, itself stolen or taken in violation of the law.
- C. **Firearms/ammunition/firearm accessories:** a device that projects either single or multiple [projectiles](#) at high velocity. Ammunition is a term meaning the assembly of a projectile and its propellant. Accessories include but are not limited to holsters, gun cases, fire arm optics, suppression devices, cleaning supplies, etc.
- D. **Forfeiture:** the process by which legal ownership of an asset is transferred to a government or other authority.
- E. **Jewelry/Precious Metals/Precious Stones:** The term "precious metals/precious stones" includes items of jewelry such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium and palladium. Precious stones, often referred to as gemstones, include but are not limited to diamonds, emeralds and rubies.
- F. **Forfeiture/Seized Property Reviewer:** an Agency employee responsible for reviewing all forfeiture cases and is the liaison between the Agency and prosecutor's office.
- G. **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.

6-3.02 DETERMINING WHETHER TO TAKE FORFEITURE ACTION

- A. Vehicles can be seized for forfeiture in the following types of cases:
1. Certain Alcohol Related Offenses
 2. Fleeing a Peace Officer in a Motor Vehicle
 3. Prostitution
- B. Property and vehicles can be seized for forfeiture in the following cases:
1. Drug-related activity
 2. Other felony-level designated offenses listed in Minn. Stat. 609.531, such as burglary, theft, receiving stolen property, robbery and criminal sexual conduct
- C. In all cases, a decision is made which will balance the need for seizing and forfeiting vehicles with due regard to any outstanding liens or loans. Forfeiture action typically is not be pursued if the vehicle is stolen, or rented for less than 180 days, or if the owner did not know of its unlawful use.

6-3.03 VEHICLE FORFEITURE FOR CERTAIN ALCOHOL RELATED OFFENSES

- A. The following alcohol related offenses trigger a forfeiture action under Minn. Stat. 169A.63, when a driver is arrested for DWI:
1. The arrest is the driver's third impaired driving conviction or alcohol related revocation or combination arising out of separate incidents within ten years; or
 2. The arrested driver tests .20 or above within ten years of a prior impaired driving conviction or alcohol related revocation; or
 3. The arrested driver tests .20 or more while having a child under the age of 16 in the vehicle who is more than 36 months younger than the driver; or
 4. The arrested driver has a prior impaired driving conviction or alcohol related license revocation within the past ten years and had a child under the age of 16 in the vehicle who was more than 36 months younger than the driver; or,
 5. The arrested driver has driving privileges which have been cancelled as being Inimical to Public Safety; or,
 6. The arrested driver is subject to a license restriction prohibiting the use of alcohol pursuant to Minn. Stat. 171.09.

B. Procedures to initiate a forfeiture action for **certain alcohol related offenses.**

1. The vehicle is placed in impound.
2. The arresting officer issues a **Impaired Operation Notice of Seizure and Intent to Forfeit Vehicle** form to the operator and if the operator is not the owner, by certified mail or personal service within a reasonable time to the registered owner at the address listed in the Department of Public Safety records. The issuing officer shall be responsible for the content of the form. *

*Service of a notice of intent to forfeit on persons or corporations with a security or possessory interest in the vehicle must be conducted in accordance with the manner provided by law for service in a civil action. Personal service on a corporation requires delivering the forfeiture notice to an officer or managing agent of the corporation or in the case of a corporation in another state to an agent authorized to receive service in the State of Minnesota. The Office of Minnesota Secretary of State may offer assistance in determining who must be served on behalf of the out of State Corporation. The Chief of Police ensure notice to owners who were not drivers, as well as any known lienholders.

C. Review of the Case File

The Chief of Police reviews the file to determine whether to proceed with the forfeiture action. The market value of the vehicle, any liens, and potential impounding/storage costs are considered.

The Chief of Police or designee will forward the file to the prosecuting attorney promptly when a forfeiture action is sought.

D. Judicial Review

If the claimant makes a demand for judicial determination within 30 days, the court will preside over the forfeiture action. The information will be forwarded to the prosecuting attorney for summons/complaint.

E. Return of Vehicle to Owner during the Forfeiture Action

An owner of a vehicle seized may give security by means of a bond payable to the Chatfield Police Department equal to the retail value of the vehicle in order to secure the release of the vehicle pending the resolution of the forfeiture action provided the owner, at the owner's sole expense, installs a disabling device which will prohibit operation of the vehicle by a person who has any alcohol concentration within their body as measured by an approved breath testing device, as provided by Minn. Stat. 169A.63.

F. Forfeiture of the Vehicle

The vehicle is automatically forfeited when the owner fails to file for a demand for judicial determination of forfeiture within 30 days and:

1. The driver is convicted of the designated offense; or,
2. The driver fails to appear with respect to the designated offense in violation Minn. Stat. 609.49; or,
3. The driver's conduct results in a designated Driver's License Revocation which is judicially sustained; or,
4. The driver fails to file a petition for administrative review of the license revocation. (Note: The driver has as long as the license is revoked to petition for administrative review; therefore, this will rarely be applicable.)

G. Disposition of Forfeited Vehicle for certain alcohol related offenses:

1. Retain by law enforcement agency: Forfeited vehicles may be used for law enforcement purposes if approved by the Chief of Police or his designee. Minn. Stat. 169A.63, Subd. 10(a)(2) allows for the agency to use the vehicle if reasonable efforts are made to ensure the motor vehicle is available for use by officers involved in a drug abuse resistance education program.
2. Sell the vehicle: Upon forfeiture of the vehicle, either by administrative process or court order, the prosecuting attorney will assist with the procedure to title the vehicle to the City. The vehicle may be transferred to a used car auction for sale or sold through public auction. Upon the sale of the vehicle, the proceeds of the sale will be disbursed as follows:
 - a. Pay storage costs, towing costs;
 - b. Pay off of any outstanding loan and lien balance attached to the title;
 - c. After payment of a. and b. above, remaining proceeds shall be distributed:
 1. 70% to the police department as a supplement to its operating or similar fund for use in DWI-related enforcement, training, and education.
 2. 30% to the Prosecuting Attorney's Office as a supplement to its operating or similar fund for prosecutorial purposes.

6-3.04

FORFEITURE OF VEHICLES, PRECIOUS METALS, CASH AND WEAPONS FOR CONTROLLED SUBSTANCE VIOLATIONS

A. Forfeitures Permitted by Service of Notice of Seizure

1. Minn. Stat. 609.5314 allows the seizure of vehicles, precious metals, currency and weapons by service of a **Notice of Seizure and Intent to Forfeit Property** in the following instances:
 - a. Vehicles
 1. When controlled substances worth \$100 or more are contained in the vehicle and possession or sale of the controlled substances would be a felony under Chapter 152.
 2. And the vehicle meets the requirements stated in Section 6-3.01.
 - b. Money, Precious Metals and Stones, and Weapons
 1. When controlled substances or drug equipment, devices or records are found in the vicinity of money, precious metals, precious stones or weapons, those items of property may be seized by service of the Notice.
 2. And the cash and precious metals found in the vicinity of controlled substances have a minimum value of \$100 to initiate a forfeiture action.
 - c. Weapons
 1. Weapons found in the following situations may be seized by service of the Notice:
 - a. In a vehicle used to commit a controlled substance felony; or
 - b. On or close to a person possessing a felony amount of a controlled substance; or
 - c. Found on the premises where a controlled substance is seized and close to the controlled substance, if the possession or sale of the controlled substance is a felony.
2. A conviction of the controlled substance crime is not required to forfeit the property.

B. Forfeiting Property

1. When officers seize property related to a controlled substance violation, the person in possession of the property and any person known to have an ownership interest in the property are served with the **Notice of Seizure and Intent to Forfeit Property** at the time the property is seized, or within a reasonable time after the seizure.

If the property is a vehicle and the owner is not present upon the seizure, the owner is served by personal service or by certified mail at the address listed in the Department of Public Safety records. The officer is responsible for the content of the form.

*Service of a notice of intent to forfeit on persons or corporations with a security or possessory interest in the vehicle must be conducted in accordance with the manner provided by law for service in a civil action. Personal service on a corporation requires delivering the forfeiture notice to an officer or managing agent of the corporation or in the case of a corporation in another state to an agent authorized to receive service in the State of Minnesota. The Office of Minnesota Secretary of State may offer assistance in determining who must be served on behalf of the out of State Corporation. The Chief of Police will ensure notice to owners who were not drivers, as well as any known lienholders.

2. The seized items are then inventoried and placed in the property room, or in the case of a vehicle, impounded.

C. Case Review

The Chief of Police reviews the file to determine whether to proceed with the forfeiture action. The market value of the vehicle, any liens, and potential impounding/storage costs are considered.

The Chief of Police or designee will forward the file to the prosecuting attorney promptly when a forfeiture action is sought.

D. Return of Property during the Forfeiture Action of Property Seized Pursuant to Minn. Stat. 609.5314 for Controlled Substance Violations

1. If the owner of a vehicle delivers the original certificate of title to the police department, the vehicle shall be returned to the owner pending the determination of the forfeiture. The vehicle must be released within 24 hours of delivery of the title.
2. Upon receipt of the title, the Minnesota Department of Public Safety (DPS) and any secured party noted on the certificate of title is notified that the title has been surrendered to the police

department. The DPS is also notified if the title is returned to the vehicle owner.

3. Weapons cannot be released to persons who have been convicted of a crime punishable by imprisonment for more than one year that is not a misdemeanor, nor to anyone who uses controlled substances.

E. Disposition of the of vehicles, precious metals, cash and weapons for controlled substance violations

1. Titling of vehicle for law enforcement use or resale:

When a vehicle has been ordered forfeited by the court or is forfeited by agreement of the parties, the County Attorney's Office will assist with the proper procedure to title the vehicle in the name of the City of Chatfield.

2. Sale of vehicle:

The vehicle is sold at public auction. When the vehicle is sold, and payment of valid liens, seizure, storage, and sales expenses has been made, the proceeds of the sale will be disbursed as follows:

- a. 70% to the City of Chatfield;
- b. 20% to the County Attorney's Office; and
- c. 10% to the State of Minnesota.

3. Use of other seized items by law Enforcement:

When a other property has been ordered forfeited by the court or is forfeited by agreement of the parties, the County Attorney's Office will assist with the proper procedure to transfer the property in to the name of the City of Chatfield.

4. Sale of other property:

The other property is sold at public auction. When the other property is sold, and payment of valid liens, seizure, storage, and sales expenses has been made, the proceeds of the sale will be disbursed as follows:

- a. 70% to the City of Chatfield;
- b. 20% to the County Attorney's Office; and
- c. 10% to the State of Minnesota.

F. Case File Report

In all cases, vehicle/property forfeiture documents and reports are filed in the case file.

6-3.05 VEHICLE FORFEITURE FOR FLEEING A POLICE OFFICER

- A. A Forfeiture Action for Fleeing a Peace Officer will be triggered when the Vehicle is used to:
1. Commit the crime of fleeing a peace officer; **and**
 2. Endanger life or property
- B. Hearing Requirement
1. A hearing before a judge must be held within 96 hours (four days) of the seizure.
 2. The officer must complete a **Notice of Seizure of Motor Vehicle for Fleeing a Peace Officer** . The officer determines the date of the hearing to be inserted on the Notice using the table on the form and enters it in the appropriate space. The time as well as the date the Notice served should be inserted at the bottom of the form. See the form for additional instructions.
 3. The officer personally serves the driver and the registered owner of the vehicle with the hearing notice within 48 hours of the seizure. If they are not served within 48 hours of the seizure, the vehicle cannot be held pending the determination of the forfeiture.
 4. Copies of the police reports and the Notice of Hearing shall be faxed to the County Attorney's Office. The original (white copy) of the Notice of Hearing must also be sent to the County Attorney's Office.
 5. The prosecution certifies to the court that it has filed or intends to file charges against the perpetrator for fleeing a peace officer.
- C. Procedures to Initiate Forfeiture Action for Fleeing
1. The vehicle is placed in impound. To reduce the possibility of the vehicle being sold, damaged or destroyed, the vehicle may be held in impound pending the forfeiture action.
 2. Forfeiture of the vehicle proceeds by summons and complaint prepared by the County Attorney's Office.
 3. To forfeit the vehicle, there must be a conviction of the fleeing offense. If there is no conviction, the police department will be liable for the costs of seizure or storage of the vehicle.
- D. Return of Vehicle to Owner during the Forfeiture Action

A court hearing will be held on the date that has been inserted in the notice. At that hearing the judge will determine whether or not the vehicle may be released pending completion of the forfeiture proceedings. The County Attorney's Office will provide the police department with a copy of the order to hold the vehicle, if the judge orders the police department to continue to hold the vehicle, or the order for the release of the vehicle, if the judge orders its release.

E. Disposition of the Vehicle Forfeited for Fleeing:

1. Titling of vehicle for law enforcement use or resale:

When a vehicle has been ordered forfeited by the court or is forfeited by agreement of the parties, the County Attorney's Office will assist with the proper procedure to title the vehicle in the name of the City of Chatfield.

2. Sale of vehicle:

The vehicle is sold at public auction. When the vehicle is sold, and payment of valid liens, seizure, storage, and sales expenses has been made, the proceeds of the sale will be disbursed as follows:

- a. 70% to the City of Chatfield;
- b. 20% to the County Attorney's Office; and
- c. 10% to the State of Minnesota.

6-3.06 VEHICLE FORFEITURE INVOLVING A SUMMONS AND COMPLAINT

A. Minn. Stat. 609.531 allows the forfeiture of vehicles and other property by summons and complaint for controlled substance violations that do not meet the requirements for using a Notice of Seizure and for designated offenses.

B. Controlled Substances

1. Vehicles or other property may be seized for forfeiture when;

- a. The officer has probable cause to believe the vehicle or other property was used or intended to be used or in any way facilitated the manufacturing, compounding, processing, delivering, importing, cultivating, exporting, transporting or exchanging of contraband or a controlled substance (in other words, when the vehicle or property is used as an instrumentality of the crime), and,
- b. Additional criteria if a vehicle is being seized:

- i. The retail value of the controlled substance is \$25 or more; and
 - ii. The vehicle is associated with a felony-level controlled substance crime.
2. Vehicles or other property may also be seized for forfeiture when the vehicle or property represents proceeds derived from the uses described above.

Examples: A vehicle may be seized when there is evidence that the vehicle was used to transport drugs but no drugs were found in the vehicle at the time of the suspect's arrest, or when there is evidence that the vehicle was purchased with proceeds from the sale of drugs (which can be inferred if the suspect is unemployed).

C. Designated Offenses

1. Vehicles or other property may be seized for forfeiture if:
 - a. It was used or intended for use to commit or facilitate the commission of a designated offense, or
 - b. it represents proceeds from the commission of the designated offense.
2. The perpetrator must be convicted of the designated offense.
3. Common designated offenses involving forfeitures are:
 - a. fleeing a peace officer in a motor vehicle
 - b. prostitution
 - c. burglary
 - d. theft
 - e. receiving stolen property
 - f. robbery
 - g. criminal sexual conduct

Consult Minn. Stat. 609.531, subd. 1(f) for a complete list of designated offenses. (See Appendix A attached.)

Examples: A vehicle may be seized when stolen property is found in the vehicle, or there is evidence that the suspect used the vehicle to transport stolen property, or the vehicle was used to transport the suspect to the site where the property was stolen.

D. Procedures to initiate forfeiture action by summons and complaint

1. Seized items are inventoried and placed in the property room, or in the case of a vehicle, impounded.

2. The Chief of Police, or designee is notified when a vehicle or property is subject to forfeiture.

E. Case Review

The Chief of Police or designee, reviews the file and determines whether to proceed with the forfeiture and coordinates with the County Attorney's Office, regarding the preparation of a complaint to initiate the forfeiture action.

F. Return of the Vehicle to Owner during the Forfeiture Action

1. If the owner of a vehicle delivers the original certificate of title to the police department, the vehicle shall be returned to the owner pending the determination of the forfeiture. The vehicle must be released within 24 hours of delivery of the title.
2. Upon receipt of the title, the Minnesota Department of Public Safety (DPS) and any secured party noted on the certificate of title is notified that the title has been surrendered to the police department. The DPS is also notified if the title is returned to the vehicle owner,

G. Disposition of Vehicle or Property Seized for Forfeiture by Summons and Complaint

1. Titling of vehicle for City use or resale:

When a vehicle has been ordered forfeited by the court or by agreement of the parties, the prosecutor will assist with the proper procedure to title the vehicle in the name of the City of Chatfield.

2. Use or sale of vehicle and other property (other than prostitution offenses):

Vehicles and other property may be used for law enforcement purposes or sold. Reasonable efforts should be made to make vehicles retained available for use by officers involved in a drug abuse resistance education program. Vehicles not used are sold at public auction. When the vehicles or other property are sold and payment of valid liens and sales expenses have been made, the proceeds will be distributed as follows:

- a. 70% to the City of Chatfield
- b. 20% to the County Attorney's Office
- c. 10% to the State of Minnesota

Note: When vehicles or property represent proceeds from the commission of the offense, restitution to the victim(s) must be paid

before the amount remaining is disbursed as set forth in items a through c above.

3. Prostitution offenses:

For forfeitures growing out of prostitution offenses, the proceeds of the sale following payment of valid liens and sale expenses are disbursed as follows:

- a. 40% deposited into agency's operating or similar fund;
- b. 20% to the Prosecuting Attorney for deposit into a supplemental fund used for prosecutorial purposes; and
- c. 40% to the City Treasury for distribution to neighborhood crime prevention programs.

6-3.07 REPORT TO STATE AUDITOR (MINN. STAT. 609.5315)

A monthly report of forfeiture actions is submitted to the Minnesota State Auditor. Forms to be used for that purpose are the Forfeiture Incident Report and the Firearms Forfeiture Report.

APPENDIX A

Designated Offenses in Which Forfeitures May be Used

Minnesota Statutes § 609.531, subd. 1(f) lists designated offenses by statute number in which forfeitures may be used. By title, they are as follows:

Unlawful Transfers or Sales of Recordings (325E.17)
Identity of Transferor (of sounds or images) (325E.18)
Murder 1st Degree (609.185)
Murder 2nd Degree (609.19)
Murder 3rd Degree (609.195)
Criminal Vehicular Homicide and Injury (609.21)
Assault 1st Degree (609.221)
Assault 2nd Degree (609.222)
Assault 3rd Degree (609.223)
Assault 4th Degree (609.2231)
Simple Robbery (609.24)
Aggravated Robbery (609.245)
Kidnapping (609.25)
False Imprisonment (609.255)
Solicitation, Inducement and Promotion of Prostitution (609.322)
Crim Sex 1st Degree (609.342, subd. 1 (a) to (f))
Crim Sex 2nd Degree (609.343, subd. 1 (a) to (f))
Crim Sex 3rd Degree (609.344, subd. 1 (a) to (e) and (h) to (j))
Crim Sex 4th Degree (609.345, subd. 1 (a) to (e) and (h) to (j))
Bribery (609.42)
Corruptly Influencing a Legislator (609.425)
Medical Assistance Fraud (609.466)
Escape from Custody (609.485)
Fleeing a Peace Officer in a Motor Vehicle (609.487)
Theft (609.52)
Bringing Stolen Goods into State (609.525)
Identity Theft (name, social security number, etc.) (609.527)
Possession or Sale of Stolen or Counterfeit Check (609.528)
Receiving Stolen Property (609.53)
Embezzlement of Public Funds (609.54)
Rustling and Livestock Theft (609.551)
Arson 1st Degree (609.561)
Arson 2nd Degree (609.562)
Arson 3rd Degree (609.563)
Burglary (609.582)
Possession of Burglary or Theft Tools (609.59)
Criminal Damage to Property (609.595)
Check Forgery; Offering a Forged Check (609.631)
Dangerous Weapons (reckless handling - drive-by shooting) (609.66, subd. 1e)
Hazardous Waste Crimes (including air and water pollution) (609.671, subd. 3, 4, 5, 8 and 12)
Adulteration (of substances causing death, injury or illness) (609.687)

Financial Transaction Card Fraud (609.821)
Bribery of Participant or Official in Contest (609.825)
Commercial Bribery (injuring employer) (609.86)
Computer Damage (609.88)
Computer Theft (609.89)
Unauthorized Computer Access (gross misdemeanor or felony) (609.891)
Telecommunications and Information Services Fraud (609.893)
Counterfeited Intellectual Property (609.895)
Rifles and Shotguns in Public Places (gross misdemeanor or felony) (624.7181)
Use of Minors in Sexual Performance (609.324 and 617.246)

Property that may be seized for forfeiture includes all personal property used or intended for use to commit or facilitate the commission of a designated offense as well as all money and other property (real and personal) that represents proceeds of a designated offense. Minn. Stat. § 609.5312, subd. 1. There must be a conviction of the designated offense or the property cannot be forfeited. Minn. Stat. § 609.531, subd. 6a.

Other crimes have been created in which forfeiture is allowed, even though it is not one of the “designated offenses” in § 609.531:3

RICO (Racketeering 609.901-912) (Forfeiture at 609.905)
Gambling (Devices, prizes and proceeds 609.762)
Gambling (Seizure of contraband 349.2125)
Bulletproof vests used in commission of crime (609.486)

CHATFIELD POLICE DEPARTMENT

SECTION 7-3
SUBJECT: MISSING AND ENDANGERED PERSON

INDEX

7-3.01	DEFINITIONS
7-3.02	INITIAL RESPONSE PROCEDURES
7-3.03	INITIAL INVESTIGATION
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7-3.05	PROLONGED INVESTIGATION
7-3.06	RECOVERY/CASE CLOSURE

POLICY

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

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

- 1) Initial Response
- 2) Initial Investigation
- 3) Investigation
- 4) Prolonged Investigation
- 5) Recovery/Case Closure.

The facts surrounding each missing and endangered child report will dictate when the procedures are warranted, and what the order and priority should be within each of the five categories.

PURPOSE

To clearly establish for agency personnel:

- Guidelines and responsibilities for the consistent response to and investigation of all reports of missing and endangered children as defined in Minnesota Statutes, Chapter 299C.52, Subd. 1, (c), and (e) ("Minnesota Missing Children Program").
- To comply with requirements of Minnesota Statutes 626.8454, subd 3.

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

SCOPE

This section is applicable to all members of the Chatfield Police Department.

STANDARDS

7-3.01 DEFINITIONS

- A. **MISSING** - According to Minnesota Statutes, Chapter 299C.52, Subd. 1, (c), missing means “the status of a child after a law enforcement agency that has received a report of a missing child has conducted a preliminary investigation and determined that the child cannot be located.”
- B. **ENDANGERED** - According to Minnesota Statutes, Chapter 299C.52, Subd. 1, (e), endangered means that “a law enforcement official has received sufficient evidence that the child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.”
- C. **CHILD** - According to Minnesota Statutes, Chapter 299C.52, Subd. 1, (a), child means “any person under the age of 18 years or any person certified or known to be mentally incompetent.”
- D. **SUFFICIENT EVIDENCE** - Means articulable facts and circumstance which would induce a reasonably prudent police or peace officer to believe that a crime has been or is about to be committed.
- E. **NCIC** - Means the National Crime Information Center.
- F. **CJIS** - Means the Criminal Justice Information System.
- G. **NCMEC** - Means the National Center for Missing and Exploited Children.
- H. **NLETS** - Means the National Law Enforcement Telecommunication System.

7-3.02 INITIAL RESPONSE PROCEDURES

- A. Dispatch an officer to the scene to conduct a preliminary investigation.
- B. Obtain interpretive services if necessary.
- C. Interview parent(s)/person who made the initial report.
- D. Determine when, where, and by whom the missing child was last seen.
- E. Interview the individuals who last had contact with the child.
- F. Obtain a detailed description of the missing child, abductor, vehicles, etc.

- G. Conduct a neighborhood/vehicle canvass.
- H. Load the NCIC Missing Person File (involuntary category) with complete descriptive and critical information regarding the missing and endangered child.
- I. Load the NCIC system with complete descriptive information regarding the suspect(s).
- J. Notify Chief of Police.
- K. Update additional responding personnel.
- L. Broadcast known details on police communication channels to other patrol units, other local law enforcement agencies, and surrounding law enforcement agencies and, if necessary, use the National Law Enforcement Telecommunications System (NLETS) and the Minnesota Crime Alert Network to alert state, regional, and federal law enforcement agencies.
- M. Notify the family of crime victim services available, and give the family the Crime Victim Services card.
- N. When appropriate, seal the crime scene. Do not allow individuals to leave the area until interviewed, and note anyone who may have left just prior to the arrival of law enforcement.
- O. Activate protocols for working with the media.
- P. As required by Minnesota Statute, Chapter 299C53, Subd. 1, contact the Bureau of Criminal Apprehension regarding the incident as soon as possible. Request assistance as necessary.
- Q. Implement multi-jurisdictional coordination/mutual aid plan (MAIT) as necessary. For example:
 1. When the initial investigation exceeds our resources, and/or;
 2. When the investigation crosses jurisdictional lines.

7-3.03 INITIAL INVESTIGATION

- A. The Chief or designee may arrange for use of helpful media coverage when appropriate.
- B. Maintain records of telephone communications/messages (e.g., phones, recordings, leads).
- C. Ensure that everyone at the scene is identified and interviewed separately.
- D. Search the home or building where the incident took place and conduct a search, including surrounding areas.
- E. Assign an officer/investigator whose duties will include coordination of the investigation.

7-3.04 INVESTIGATION

- A. Begin setting up the Command Post/Operation Base away from the child's residence. Assign specific responsibilities to include any or all of the following:
 1. Command Post Supervisor
 2. Media Specialist

3. Search Coordinator
 4. Investigative Coordinator
 5. Communication Officer
 6. Support Unit Coordinator, and
 7. Two Liaison Officers (one at Command Post, and one at victim's residence).
- B. Consider using "trap and trace" on all incoming calls to Command Post and victim's residence. Consider setting up a separate telephone line or cellular telephone for agency use.
 - C. Compile a list of known sex offenders living in the area when appropriate.
 - D. When appropriate in cases of infant abduction, investigate claims of home births made in that area.
 - E. Obtain child protective agency records for reports of abuse on child.
 - F. Review records for previous incidents related to the missing child and prior activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
 - G. When appropriate, obtain the child's medical and dental records, and enter information into NCIC.
 - H. Update the NCIC missing person file with any additional information regarding the child or suspect as necessary.
 - I. Consider interviewing delivery personnel; employees of gas, water, electric, and cable companies; taxi drivers; post office personnel, sanitation workers; etc.
 - J. Contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance. The phone number is 1-800-THE-LOST, and the Missing Children's Quarterly Bulletin (MSS 299C.54).
 - K. Determine if outside help is necessary and utilize local, state and federal resources related to specialized investigative needs, including:
 1. Crime Victim Advocates
 2. Minnesota Bureau of Criminal Apprehension
 3. Federal Bureau of Investigation
 4. County Attorney
 5. Customs Investigative Services
 6. Minnesota State Patrol
 7. Minnesota Crime Alert Network
 8. Investigative experts in the areas of sexual assault, child maltreatment, and/or homicide
 9. Searches:
 - a. Ground Searches - manpower, vehicles, and/or mounted patrols
 - b. Canine assisted
 - c. Water and underwater searches, and
 - d. Air searches, Civil Air Patrol
 10. Investigative Resources:
 - a. Child interviewing
 - b. Polygraph
 - c. Profiling/Behavior Analysis
 - d. MN Sex and Violent Crime Analysis programs

- e. Crime analysis/computer assistance
- f. Forensic artistry/crime scene and evidence processing
- g. Memory retrieval
- 11. Interpretive Services
- 12. Telephone Services (traps, traces, etc.)
- 13. Media Assistance (local and national)
- 14. Consider the use of polygraph for the parents and other key individuals.
- 15. Utilize rewards and Crimestoppers programs as appropriate.

7-3.05 PROLONGED INVESTIGATION

- A. Develop a profile on the possible abductor if not already done.
- B. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals, and re-examine all physical evidence collected.
- C. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone identified in the investigation.
- D. Develop timeline and other visual exhibits.
- E. Critique results of the ongoing investigation with appropriate investigative resources.
- F. Arrange for periodic media coverage as appropriate.
- G. Update NCIC Missing Person File information as necessary.
- H. Re-contact the National Center for Missing and Endangered Children (NCMEC) for age progression assistance.

7-3.06 RECOVERY/CASE CLOSURE

- A. Consider a comprehensive physical examination of the victim.
- B. Conduct an interview of the child. Document the results of the interview.
- C. Refer family for effective reunification assistance.
- D. Cancel alarms and remove case from NCIC and other information systems, re-contact NCMEC for assistance, and remove posters and other publications from circulation.
- E. Perform constructive post-case critique. Reassess the procedures used and update the Department's policy and procedures as appropriate.

CHATFIELD POLICE DEPARTMENT

SECTION 7-5
SUBJECT: SCHOOL BUS INCIDENT REPORTING

INDEX

7-5.01 DEFINITION
7-5.02 INITIAL RESPONSE
7-5.03 INVESTIGATION
7-5.04 REPORTS AND FORMS
7-5.05 ENFORCEMENT ACTION

POLICY

It is the responsibility of the Chatfield Police Department to respond to all reports of criminal incidents on school buses occurring within its jurisdiction. This agency will work with school officials, transportation personnel, parents, and students to protect student safety and deal appropriately with those who violate the law. This policy is not intended to interfere with or replace school disciplinary policies which relate to student misconduct on school buses.

PURPOSE

To clearly establish for agency personnel:

- Guidelines to be followed by peace officers in law enforcement's response to criminal incidents on school busses or in school bus loading and unloading areas.
- To comply with the requirements of Minnesota Statute 169.4581.

SCOPE

This section is applicable to all members of the Chatfield Police Department.

STANDARDS

7-5.01 DEFINITION

“Reportable Offense” means misbehavior causing an immediate and substantial danger to oneself or surrounding persons or property.

7-5.02 INITIAL RESPONSE

Department personnel will respond to calls for assistance from any citizen, school official, or bus transportation company personnel as it may pertain to criminal conduct or reportable offenses on school buses or in a school bus loading or unloading area.

7-5.03 INVESTIGATION

An incident report shall be completed on all calls involving an allegation of a reportable offense or criminal incident. The investigating officer will investigate the reported incident using the same procedure as followed in other criminal investigations involving juveniles.

7-5.04 REPORTS AND FORMS

Reports regarding the incidents will be submitted as required by Departmental policy and to the appropriate prosecuting attorney.

Investigating officers will follow through with any other investigation necessary to prepare a case pertaining to criminal conduct on school buses or in a school bus loading or unloading area as requested by the prosecuting attorney.

School officials or transportation company personnel may provide police department employees with Minnesota School Bus Incident Forms concerning a reportable offense or criminal incident.

7-5.05 ENFORCEMENT ACTION

Investigating officers may issue citations, release pending further investigation, or apprehend and transport, to the extent authorized by law, individuals committing crimes on school busses or in school bus loading and unloading areas.

The police department will provide information to the school regarding the incidents as allowed by law.