CHIEF'S MESSAGE

The Brooklyn Park Police Department is a professional law enforcement agency that is committed to providing high quality service to a dynamic, growing community. The complexity of modern policing demands that we constantly evaluate our practices to ensure that the most effective and efficient methods are utilized. It is with this in mind that I encourage every employee to bring forth suggestions to improve our service delivery.

This manual has been written to serve the City of Brooklyn Park, its citizens and the members of the Brooklyn Park Police Department. It represents the policies, rules and practices that will enable our department to meet the needs of our community well into the 21st Century.

Craig Enevoldsen

Chief of Police
LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.
MISSION AND VALUES STATEMENT
The mission of the Brooklyn Park Police Department is to provide a safe, orderly community, through the delivery of professional services, where the citizens of, and visitors to, Brooklyn Park have a sense of security for their persons and property.

The Brooklyn Park Police Department serves its employees and community with:

**Collaboration**- By working together on a united front with our professional partners and the community, we are the most effective in our mission.

**Professionalism**- We take pride in providing innovative and skilled services with the highest degree of excellence. We are dedicated professionals who are responsive to the needs of those we serve.

**Integrity** - We are committed to honesty and fairness. We perform our duties in a fair and ethical manner understanding the trust and responsibility of our role in public safety.

**Respect**- Valuing our diversity, we provide courteous, impartial service with dignity and honor.
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Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

100.1 PURPOSE AND SCOPE
The purpose of this policy is to affirm the authority of the members of the Brooklyn Park Police Department to perform their functions based on established legal authority.

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

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE BROOKLYN PARK POLICE DEPARTMENT
Arrest authority of a full-time officer or part-time officer extends to any place within the jurisdiction of the department when (Minn. Stat. § 629.34, Subd. 1 and Minn. Stat. § 629.40):

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

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE BROOKLYN PARK POLICE DEPARTMENT
Full- and part-time, on-duty officers may make an arrest outside the jurisdiction of the Brooklyn Park Police Department (Minn. Stat. § 629.40):

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

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

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

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

**100.3 INTERSTATE PEACE OFFICER POWERS**
Peace officer powers may be extended within other states:

(a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.

(b) When an officer enters Iowa or Wisconsin in fresh pursuit of a felony subject (Iowa Code § 806.1; Wis. Stat. § 976.04).

(c) When an officer enters North Dakota or South Dakota in pursuit of a subject who committed any offense (N.D.C.C. § 29-06-05; SDCL 23A-3-9; SDCL 23A-3-10).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Iowa Code § 806.2; N.D.C.C. § 29-06-06; SDCL 23A-3-12; Wis. Stat. § 976.04).

**100.4 MUTUAL AID**
The City of Brooklyn Park has entered into a joint and cooperative agreement for the shared use of law enforcement personnel and equipment with all Hennepin County law enforcement agencies. Brooklyn Park Police Officers have full peace officer authority in the requesting jurisdiction when acting pursuant to a mutual aid request.

a) Management of a mutual aid situation specifically remains under the control of the agency that requested the mutual aid.

b) The responding Brooklyn Park Police Officers remain under the direction and control of the Brooklyn Park Police Department, with the understanding that we will coordinate our assistance and activities in the requesting jurisdiction with the requesting agency.

**100.5 JOB AND LICENSE STATUS**
Officers who are serving a suspension and officers whose peace officer license status is anything other than active and valid do not have any peace officer authority by virtue of their employment by the City of Brooklyn Park.

**100.6 POLICY**
It is the policy of the Brooklyn Park Police Department to limit its members to only exercise the authority granted to them by law.
While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.7 CONSTITUTIONAL REQUIREMENTS
All members shall observe and comply with every person’s clearly established rights under the United States and Minnesota Constitutions.
Chief Executive Officer

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

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

102.1 POLICY
It is the policy of the BPPD that sworn members take the oath of their office as an expression of commitment to the constitutional rights of those served by the [DepartmentOffice] and the dedication of its members to their duties (Minn. Stat. § 358.05).

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

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

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

102.4 OATH OF HONOR
Upon employment, all employees shall be required to affirm, sign and date the oath of office commitment. The oath shall be as follows:

On my honor, I (employee name) will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community and the agency I serve.

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

103.1 PURPOSE AND SCOPE
The manual of the Brooklyn Park Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

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

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

103.2.2 STAFF
Staff shall consist of the following:

- Chief of Police
- The Deputy Chief from each division
- Any other employee designated or assigned by the Chief of Police

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

103.2.3 OTHER PERSONNEL
All Department employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commander who will consider the recommendation and forward it to staff.
103.3 AUTHORITY
The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:
- Special Orders may be abbreviated as "SO"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

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

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

Adult - Any person 18 years of age or older.
Child - Any person under the age of 18 years.
City - The City of Brooklyn Park.
Civilian - Employees and volunteers who are not licensed peace officers.
Department/BPPD - The Brooklyn Park Police Department.
DPS - The Minnesota Department of Public Safety.
DVS - The Minnesota Department of Driver and Vehicle Services.
Employee/personnel - Any person employed by the Department.
May - Indicates a permissive, discretionary or conditional action.
Member - Any person employed or appointed by the Brooklyn Park Police Department including:
- Full- and part-time employees
- Licensed peace officers
- Reserve, auxiliary officers
Policy Manual

- Civilian employees
- Volunteers.

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL
An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.
103.6 PERIODIC REVIEW OF THE POLICY MANUAL
The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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

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

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

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

200.2 DIVISIONS
The Chief of Police is responsible for administering and managing the Brooklyn Park Police Department. There are three divisions in the Police Department as follows:

- Support Services Division
- Patrol Operations Division
- Investigation Division

200.2.1 SUPPORT SERVICES DIVISION
The Support Services Division is commanded by Support Service Manager whose primary responsibility is to provide general management, direction and control for the Support Services Division, including management of the Department budget. The Support Services Division provides administrative, clerical and technical support. Support Services Org Chart

Annually, the Support Services Manager shall develop and submit to the Chief of Police a budget and an inventory of capital property, equipment and assets. Property, equipment and assets with a beginning value of more than $5,000 and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

200.2.2 PATROL DIVISION
The Patrol Division is commanded by a Deputy Chief whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol and related services. PD Organizational Chart

200.2.3 INVESTIGATION DIVISION
The Investigation Division is commanded by a Deputy Chief whose primary responsibility is to provide general management, direction and control for the Investigation Division. The Investigation Division consists of the Investigation Unit and other related services. PD Organizational Chart

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During planned absences the Deputy Chiefs shall act with the authority of the Chief of Police. For circumstances in which the Chief of Police is absent, the Chief of Police will designate a Division Commander to serve as the acting commander of the Police Department.
Organizational Structure and Responsibility

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

(a) Deputy Chiefs
(b) Inspectors
(c) Lieutenants

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

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

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

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

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

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

Emergency Operation Plan SOP 201
City Emergency Operation Plan

201.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN
The Emergency Operations Plan can be activated in a number of ways. For the Police Department, the Chief of Police, the highest ranking official on-duty or an on-scene responder may activate the Emergency Operations Plan in response to a major emergency.

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

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

201.3 LOCATION OF EMERGENCY PLANS
The emergency Pre-Plans will be located on the police Share Point site. The Emergency Operation Plan procedures can be found in the Standard Operating Precedures guidelines.

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

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

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

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

202.3 OBJECTIVES
The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.
(b) Increase the technical expertise and overall effectiveness of Department personnel.
(c) Provide for continued professional development of Department personnel.
(d) Assist in compliance with POST rules and regulations concerning law enforcement training.

202.4 TRAINING PLAN
It is the responsibility of the Training Officer to develop, review, update and maintain a Training Plan to ensure that mandated basic, in-service and Department-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the Training Plan at any time as it is deemed necessary, the Training Officer shall review the entire Training Plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address State required minimum mandated training for licensing of peace officers or hiring of non-licensed employees. The plan will also include training for volunteers that is determined to be relevant and helpful to their actions as volunteers for the Department.

Training listed may be provided in basic training programs. The Training Officer is responsible for ensuring members of the Department have been trained as required.
202.4.1 STATE MANDATED TRAINING
State training requirements include, but are not limited to, 48 hours of POST-approved law enforcement related courses every three years.

202.4.2 TRAINING PROCEDURES
(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
   1. Court appearances
   2. First choice vacation
   3. Sick leave
   4. Physical limitations preventing the employee’s participation.
   5. Emergency situations
(b) When an employee is unable to attend mandatory training, that employee shall:
   1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
   2. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

202.5 TRAINING NEEDS ASSESSMENT
The Training Unit and instructors will conduct an annual training-needs assessment. Because of the dynamic and complex nature of police work this assessment will be ongoing by all members responsible for training. Upon review and approval by the Training Supervisor, the needs assessment will form the basis for the training plan for the ensuing fiscal year.

202.6 TRAINING RECORDS
The Training Officer is responsible for the creation, filing and storage of all training records in compliance with POST standards. Training records shall be retained as long as the employee's personnel file is retained.

202.7 REPORTING TRAINING TO POST
The POST Board distributes license renewals directly to licensed peace officers and requires the licensee to report completed continuing education courses from the previous license period. Officers are responsible for responding to these requests in a timely manner and otherwise maintaining their licensed status.
202.8 DAILY TRAINING BULLETINS
The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Brooklyn Park Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Officer.

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

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

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

202.9 CLASSROOM DISCRIMINATION
Classroom discrimination is defined as an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another. (Minn. R. 6700.0900; Minn. R. 6700.0902).

The following SHALL be read prior to any and all training:

It is the policy of the Brooklyn Park Police Department to provide, sponsor or facilitate training and/or P.O.S.T. approved that is free of classroom discrimination. Allegations of classroom discrimination brought forth in accordance with the provisions of this policy will be fully investigated and disciplinary action will be taken or recommended as appropriate on substantiated complaints. This will be done in compliance with the policy on Complaints and Disciplinary Procedures #1003.

202.9.1 COMPLAINT PROCESS
Complaints regarding classroom discrimination must be made to the Deputy Chief of Police, Brooklyn Park Police Department. Complaints must be in writing and contain, at a minimum, the following information:

(a) Date, approximate time, and location where the alleged classroom discrimination took place

(b) Name of the course or training, name of the instructor, and names of others who may have witnessed the alleged classroom discrimination
Training

(c) Identity of person(s) who are alleged to have committed the act(s) of classroom discrimination

(d) Brief description of the alleged classroom discrimination.

(e) Statement by the complainant that they wish an investigation of their allegation(s) to be made and that they will cooperate fully with said investigation.

Upon receipt of the written complaint, the Deputy Chief will make a determination if the continuing education or training was provided by Departmental personnel, or whether it was sponsored by the Department using outside trainers. Complaints from departmental personnel for incidents which occurred at outside agency continuing education or training will be referred to that agency.

Allegations of classroom discrimination during Departmental continuing education or training, involving Departmental personnel, will be assigned as an Administrative Investigation. The same procedures, rights, and due process will be followed and accorded as in any other Administrative Investigation. See Complaints and Disciplinary Procedures #1003

Investigative findings will be reviewed by the Deputy Chief and forwarded to the Chief of Police for appropriate action. The Complainant will be notified in writing by the Chief of Police of the findings of the investigation. Complainant will not be notified of the nature and extent of any disciplinary action taken as a result of their complaint. If disciplinary action is warranted, it will be issued by the Chief of Police. Said action may consist from verbal counseling to employment termination.

Disciplinary action taken against Departmental personnel may be appealed through the union grievance procedure (if they are covered by the union agreement), City Personnel Code grievance process, or a Veterans Preference hearing. In no case, may more than one avenue of appeal be pursued.
Electronic Mail

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

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

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

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

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

204.1 PURPOSE AND SCOPE
Administrative communications of this department are governed by the following policies.

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

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

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

204.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police, his/her designee or a Division Commander.

204.5 OTHER COMMUNICATIONS
Special Orders and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Chief of Police, his/her designee or Division Commanders.
Supervision Staffing Levels

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

205.2 MINIMUM STAFFING LEVELS
Minimum staffing levels should result in scheduling of at least one supervisor on Day shift and two supervisors on the Night shift. It will be the responsibility of the shift Lieutenant to ensure these minimums are met.
Permit to Carry a Pistol

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

It will be the policy of the Brooklyn Park Police Department to defer all requests for permits to carry a firearm to the Hennepin County Sheriff's Office.

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

(a) Be a citizen or a permanent resident of the United States.
(b) Must be a Minnesota resident of the county in which the permit is requested. Non-Minnesota residents may apply to any Minnesota county sheriff.
(c) Be at least 21 years of age.
(d) Submit a fully completed permit application form.
(f) Present a photocopy of a driver's license, state identification card or the photo page of a passport.
(g) Provide a certificate of completed authorized firearms training, conducted by a certified instructor, within one year of the original or renewal application.
(h) Be free from any federal law prohibiting the applicant from possessing or owning a firearm.
(i) Not be listed in the criminal gang investigative data system.
(j) Pay the required processing fee.

206.3 APPLICATION PROCESS
Application forms shall be furnished by the Department upon request or available on the Internet (Minn. Stat. § 624.714 Subd. 3). The application must be submitted in person. Upon receipt of an application for a permit and any required fee, the Department must provide a signed receipt indicating the date of submission.
An investigation of the applicant to determine if he/she is eligible shall be conducted (Minn. Stat. § 624.714 Subd. 4). The Sheriff shall notify the Chief of Police, if any, of the municipality where the applicant resides.

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

The permit shall be issued to the applicant unless a substantial likelihood exists that he/she is a danger to themselves or the public, he/she is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit. Upon issuing a permit the Department shall provide a laminated permit card to the applicant by first class mail or personal delivery and submit the information to the Commissioner of Public Safety within five business days.

If the application is denied, the Department shall send the applicant written notification justifying the denial, which includes the source of the justification. The Department shall inform the applicant of his/her right to submit additional documentation in support of the application and the right to seek judicial review.

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

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

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

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

The Sheriff may file a petition with the district court for an order to revoke the permit on the grounds that there is a substantial likelihood that the person is a danger to him/herself or to the public if he/she is authorized to carry a pistol under permit. The court shall issue an order revoking the permit if the Sheriff proves such danger by clear and convincing evidence.
A permit holder whose permit was revoked may seek a judicial review by filing a petition in the district court for the county in which the application was submitted (Minn. Stat. § 624.714 Subd. 12).

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

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

206.8 CARRYING FIREARMS IN RESTRICTED AREAS
Firearm permittees, other than peace officers, are prohibited from carrying firearms within the following locations:

(a) Secure areas of a public airport.
(b) School property except as authorized by Minn. Stat. § 609.66, Subd. 1d.
(c) A child care center while children are present except as authorized by Minn. Stat. § 609.66, Subd. 1d.
(d) In a public place while under the influence of alcohol, or a controlled substance, or an intoxicating substance that the person has reason to know could cause impairment (Minn. Stat. § 624.7142, Subd. 1).
(e) Public colleges and universities following implementation of a policy restricting the carrying or possession of firearms on their premises by employees and students while on campus. However, under Minn. Stat. § 624.714, Subd. 18 such prohibitions apply only to faculty and students. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.
(f) Private establishments that have posted a sign banning firearms on their premises, provided the posting meets the requirements of Minn. Stat. § 624.714, Subd. 17.
(g) Private establishments whose personnel inform the permit holder that firearms are prohibited and demand compliance. This provision is violated only after the permit holder refuses to depart the premises.
(h) Places of employment, public or private, if the employer restricts the carrying or possession of firearms by employees. A violation of such restrictions by a person with a carry permit is not an arrestable offense and only subjects the violator to administrative sanctions.
(i) State correctional facilities or state hospitals and grounds (Minn. Stat. § 243.55).
(j) Any jail, lockup, or correctional facility (Minn. Stat. § 641.165).
Permit to Carry a Pistol

(k) Offices and courtrooms of the Minnesota Supreme Court and Court of Appeals as established by order of the court. Violation of such a ban by a permit holder may be enforced as civil or criminal contempt of court but is not a violation of the carry permit law.

(l) In a field while hunting big game by archery unless permitted by Department of Natural Resources regulations. (Minn. Stat. § 97B.211; Minn. Stat. § 97B.411).

(m) In federal court facilities or other federal facilities (18 USC § 930).

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

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

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

207.2 POLICY
It is the policy of the Brooklyn Park Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

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

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

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

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

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement
Retiree Concealed Firearms

agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Minnesota law or by a private person or entity on his/her property if such prohibition is permitted by Minnesota law.

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

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.5 DENIAL, SUSPENSION OR REVOCATION
A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

207.6 FIREARM QUALIFICATIONS
The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the
Retiree Concealed Firearms

date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.
Handgun Purchase and Transfer Permit

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

208.2 APPLICATION PROCESS
Handgun Purchase and Transfer Permit SOP Guidelines

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

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

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

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

(a) A check of criminal histories, records, and warrants regarding the applicant through Minnesota crime information systems, the national criminal record repository, and the National Instant Criminal Background Check System.

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

(c) A check for any commitment history through the Minnesota Department of Human Services of the applicant.

208.4 GROUNDS FOR DISQUALIFICATION
The Chief of Police shall only deny a permit to an applicant when the applicant is prohibited by Minn. Stat. § 624.713 from possessing a pistol or semiautomatic military-style assault weapon (Minn. Stat. § 624.7131, Subd. 4).

208.5 GRANTING OR DENIAL OF PERMIT
The Chief of Police shall issue a transferee permit or deny the application within seven days of application for the permit. The Chief of Police shall provide an applicant with written notification...
Handgun Purchase and Transfer Permit

of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge (Minn. Stat. § 624.7131, Subd. 5).

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

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

209.1 PURPOSE
The purpose of this General Order is to define the phrase "DESIGNATED PLACE OF DUTY" and the delineate employee responsibility as it relates to this phrase.

209.2 DEFINITION
"DESIGNATED PLACE OF DUTY" may include, but is not limited to, the following:

- The Brooklyn Park Police Department
- Municipal, district, or other court or place of judicial hearing
- Designated sites for specific training
- Designated sites for specific call back

Generally, the designated place of duty for employees of the Brooklyn Park Police Department shall be, or originate at, the Brooklyn Park Police Department. However, specific job assignments or call back situations may require employees to report for duty at a place other than the Department.

209.3 EMPLOYEE OBLIGATIONS
Employees are responsible to be present and ready to perform their respective duties at their designated place of duty at the time assigned. Employees are further responsible to remain at the designated place of duty for the time prescribed, unless authorization to leave is obtained from a supervisor or other person in charge.

209.4 TRANSPORTATION
An employee is generally responsible for their transportation to the designated place of duty. If required to report to a different location for duty, such as training or a special assignment, and the location is more than 20 miles from the police department, the employee may be allowed to utilize a department vehicle or be reimbursed for mileage costs at the discretion of the department. Reimbursement for mileage cost will be calculated from the Brooklyn Park Police Department, not from the employee’s home. In the event that the employee resides closer to the different location for duty but is still more than 20 miles away, the mileage will be calculated from their home. If the designated place of duty is more than 20 miles from the Brooklyn Park Police Department, travel time is considered duty time.
Chapter 3 - General Operations
Use of Force

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

Also see: See attachment: USE_OF_FORCE_SOP (6).pdf

300.1.1 DEFINITIONS
Definitions related to this policy include:

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

**Force** - The application of physical techniques or tactics, chemical agents or weapons, (including show of force) to another person in an attempt to gain compliance or to protect the officer or others from harm. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, restrained or follows verbal commands.

**Show of Force** - When an officer intentionally displays a weapon and threaten the use of this weapon, or the individual in which the weapon is directed at reasonably knows that they are being threatened with the weapon. This does not include circumstances when an officer has their weapon drawn in a "ready" or "low ready" position so as to be prepared to use force.

**Weapon** - An item or object used in a manner to inflict or threaten the infliction of bodily harm to another. Examples are handgun, long gun, Taser, expandable batons, flashlights, chemical sprays and less lethal munitions.

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

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

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

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

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST
An officer may use reasonable force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

(a) In effecting a lawful arrest.
(b) In the execution of a legal process.
(c) In enforcing an order of the court.
(d) In executing any other duty imposed by law.
(e) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.
(f) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.
300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.
(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
(d) The effects of drugs or alcohol.
(e) Subject’s mental state or capacity.
(f) Proximity of weapons or dangerous improvised devices.
(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
(h) The availability of other options and their possible effectiveness.
(i) Seriousness of the suspected offense or reason for contact with the individual.
(j) Training and experience of the officer.
(k) Potential for injury to officers, suspects and others.
(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
(m) The risk and reasonably foreseeable consequences of escape.
(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
(p) Prior contacts with the subject or awareness of any propensity for violence.
(q) Any other exigent circumstances.
300.3.3 PAIN COMPLIANCE TECHNIQUES
Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

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

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

300.3.4 INTERMEDIATE WEAPONS
Intermediate weapons are generally intended to cause pain compliance or muscle control. Intermediate weapons are fundamentally NOT designed to cause death or great bodily harm. These weapons include Taser, BolaWrap, expandable batons, flashlights, chemical sprays, K-9 and less lethal munitions. They are designed to stun, temporarily incapacitate, temporarily restrain or cause temporary discomfort to a person. The use of intermediate weapons is authorized by officers who have been trained in their proper use.

300.3.5 SHOW OF FORCE
An officer is considered to have used force when they intentionally display a weapon and threaten the use of this weapon, or the individual in which the weapon is directed at reasonably knows that they are being threatened with the weapon. This use of force shall be documented in a police report. This does not include circumstances when an officer has their weapon drawn in a "ready" or "low ready" position so as to be prepared to use force.

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

300.4 DEADLY FORCE
Use of deadly force is justified in the following circumstances:

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

(b) An officer may use deadly force 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;

(c) An officer may use deadly force 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 that the person will cause death or great bodily harm if the person’s apprehension is delayed. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing great bodily harm or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE
Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

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

(a) The application caused a visible injury.
(b) The individual subjected to the force complained of injury or continuing pain.
(c) The individual indicates intent to pursue litigation.
(d) Any application of an TASER (TM) device or control device.
(e) Any application of a restraint device other than handcuffs, shackles or belly chains.
Use of Force

(f) The individual subjected to the force was rendered unconscious.
(g) An individual was struck or kicked.
(h) An individual alleges any of the above has occurred.

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

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

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

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

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

(a) Obtain the basic facts from the involved officers.
(b) Ensure that any injured parties are examined and treated.
(c) Identify any witnesses not already included in related reports.
(d) Review and approve all related reports.
(e) Review any available video or audio recordings of the incident.
Use of Force

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

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

300.7.1 PATROL LIEUTENANT RESPONSIBILITY
The Patrol Lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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

300.9 USE OF FORCE ANALYSIS
At least annually, the police department shall prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

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

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

301.1.1 PHILOSOPHY
A leg restraint device is never to be used as punishment. It should only be used when an officer reasonably believes that it is necessary to augment other restraints while performing his/her lawful duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and reasonable force and to protect the public welfare requires a careful balancing of all human interests.

301.1.2 DEFINITION
Reasonable - An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented to the officer at the time of the incident.

Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation, must allow for the fact that police officers are often forced to make split-second decisions with limited information in circumstances that are tense, uncertain and rapidly changing.

301.2 USE OF RESTRAINTS
Only members who have successfully completed Brooklyn Park Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

301.2.1 RESTRAINT OF DETAINEES
Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should
Handcuffing and Restraints

continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

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

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

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

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

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

In most situations of custodial arrests handcuffs should be applied with the hands behind the person’s back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists. When an officer makes an exception to this they shall notify the supervisor as soon as practical.

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

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

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

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

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

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded.

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

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

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

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

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

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

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

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).
301.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS
When applying leg restraints the following guidelines should be followed:

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

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

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

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

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

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

301.7 REQUIRED DOCUMENTATION
If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

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

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

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

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

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

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

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

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES
Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

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

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

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets. (Use of Force SOP)

302.4 RESPONSIBILITIES

302.4.1 PATROL LIEUTENANT RESPONSIBILITIES
The Patrol Lieutenant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

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

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

302.5 BATON GUIDELINES
Control Devices

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

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

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

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

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

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

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

302.8 KINETIC ENERGY PROJECTILE GUIDELINES
This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.
Control Devices

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

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

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

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

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

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

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

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

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

302.8.3 SAFETY PROCEDURES
Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

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

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

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

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

302.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy. (Use of Force SOP)
Conducted Energy Device

303.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of the TASER (TM) device. (Use of Force SOP)

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

303.3 ISSUANCE AND CARRYING TASER DEVICES
Only members who have successfully completed department-approved training may be issued and carry the TASER device.

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

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

   (a) All TASER devices shall carried in such a way so as to differentiate them from the duty weapon and any other device.

   (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

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

   (d) Officers should not hold both a firearm and the TASER device at the same time.

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

303.4.1 APPLICATION OF THE TASER DEVICE
The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:
Conducted Energy Device

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

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

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

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

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

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

303.4.3 TARGETING CONSIDERATIONS
Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.
303.4.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE
Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

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

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

303.4.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER device discharges. Taser probes shall be removed and inspected consistent with training. The probes shall be considered a biohazard and after inspection shall be destroyed appropriately. Anytime a Taser deployment involves unusual circumstances such as probes located in sensitive areas of the body or the probe removal process results in complications and increased injury to the subject the probes shall be property inventoried as a biohazard.

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

303.4.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

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

303.5 SHOW OF FORCE
When feasible and when there is no tactical disadvantage to do so, officers may use the the "Arc" switch to display the arc of the Taser in an attempt to de-escalate the conflict and gain compliance.
303.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges will also be documented in a report.

303.6.1 REPORTS
The officer should include the following in the arrest/crime report:
(a) Identification of all personnel firing TASER devices
(b) Identification of all witnesses
(c) Medical care provided to the subject
(d) Observations of the subject’s physical and physiological actions
(e) Any known or suspected drug use, intoxication or other medical problems

303.7 MEDICAL TREATMENT
Under normal circumstance and when the probes are not located in the sensitive part of the subject body the probes maybe removed by officers consistent with training. The probes shall be inspected and there condition documented in the police report. The probe wound shall also be inspected and cleaned consistent with training provided to the officers. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:
(a) The person is suspected of being under the influence of controlled substances and/or alcohol.
(b) The person may be pregnant.
(c) The person reasonably appears to be in need of medical attention.
(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
(e) The person requests medical treatment.

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

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

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. A preliminary investigation into the incident including interviewing appropriate witnesses shall occur. The device’s onboard memory should be downloaded through the data port by the supervisor responsible for managing the Taser program. The data download will be saved with the related arrest/crime report.

303.9 TRAINING
Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training.

Proficiency training for personnel who have been issued TASER devices should occur every year. (Minn Stat. 626.8452s3) A reassessment of an officer’s knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Officer. All training and proficiency for TASER devices will be documented in the officer’s training file.

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

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

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

The Training Officer should ensure that all training includes:

(a) A review of this policy.
(b) A review of the Use of Force Policy.
(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
(f) De-escalation techniques.
Conducted Energy Device

(g) Restraint techniques that do not impair respiration following the application of the TASER device.
Remote Restraint Device (BolaWrap)

304.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of BolaWrap™ 100 devices in order to minimize injury to suspects, subjects, and officers

304.2 POLICY
The BolaWrap™ device is intended to temporarily immobilize and control passively non-compliant subjects, mildly aggressive non-compliant persons, and persons with known or suspected mental health issues. The BolaWrap™ is also intended to control violent or potentially violent individuals. The BolaWrap™ 100 is a hand-held remote restraint device that discharges an eight-foot bola style Kevlar tether to entangle an individual at a range of 10-25 feet.

304.3 ISSUANCE AND CARRYING BOLAWRAP 100 DEVICES
(a) Only a department-approved BolaWrap™ 100 device that has been issued by the Department shall be utilized by personnel
(b) Only members who have successfully completed department-approved training may be issued and carry the BolaWrap™ 100 device.
(c) Uniformed officers who have been issued the BolaWrap™ 100 device shall wear the device in an approved holster / pouch on their person.
(d) Non-uniformed officers may secure the device in the driver’s compartment of their vehicle.
(e) Officers shall be responsible for ensuring that their issued BolaWrap™ 100 device is properly maintained and in good working order.
(f) Officers should not hold both a firearm and the BolaWrap™ 100 device at the same time.

304.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:
(a) Provide the individual with a reasonable opportunity to voluntarily comply.
(b) Provide other officers and individuals with a warning that the BolaWrap 100 device may be deployed

The aiming laser should never be intentionally directed into the eyes of another.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the BolaWrap™ 100 device in the related report.
Remote Restraint Device (BolaWrap)

304.5 USE OF THE BOLAWRAP 100 DEVICE
The BolaWrap™ 100 device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the individual within the operational range of 10 to 25 feet. The minimum recommended standoff distance is 10 feet. The BolaWrap 100 also requires 4 feet of clearance around all sides of the individual including behind. Although the BolaWrap™ 100 device is generally effective in temporarily immobilizing most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

The BolaWrap 100 provides for temporary immobilization, an arrest / detainment plan in place for taking the subject into custody immediately following deployment. Keep in mind that a subject may still be able to reach for a weapon or resist in some way depending on the location and effectiveness of the wrap.

Due to the low risk of injury associated with a BolaWrap deployment, it may be advantageous to deploy several cartridges on a subject simultaneously to maximize the likelihood of effective restraint.

304.5.1 APPLICATION OF THE BOLAWRAP 100 DEVICE
The BolaWrap 100 device may be used in circumstances where the officer perceives a deployment will reasonably help control and restrain a subject that is / has:

(a) Violent or is physically resistant
(b) Demonstrated, by words or action, an intention to be violent or to physically resist,
(c) Passively non-compliant and the officer believes using the device will help prevent the escalation of the incident - which often results in the use of a higher level of force.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS
The use of the BolaWrap™ 100 device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.
(b) Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
(c) Individuals near any body of water that may present a drowning risk
(d) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
(e) Running individuals on hard surfaces
(f) Individuals standing in crowds or near others
304.5.3 TARGETING CONSIDERATIONS
Reasonable efforts should be made to target the knee area and below. If there is an opportunity to trap the hands of the individual, the target should be below the elbows. Officers should avoid aiming above the elbows unless the risk of injury would justify the use of deadly force.

If the dynamics of a situation or officer safety do not permit the officer to limit the application of the BolaWrap™ 100 device to a recommended target area, officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department BolaWrap™ 100 devices while off-duty.

Officers shall ensure that BolaWrap™ 100 devices are secured while in their homes, vehicles. Lockers, or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION
Officers shall document all BolaWrap™ 100 device discharges in the officer’s incident or supplemental report. A blue team use of force review will also be conducted for each Bolawrap 100 discharge. Unintentional discharges, pointing the device at a person, and laser activation at a person will also be documented in an officer’s report.

304.7 MEDICAL TREATMENT
All persons who have been struck by BolaWrap™ 100 device cord and have had the anchor barbs penetrate their skin shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol
(b) The person may be pregnant
(c) The person reasonably appears to be in need of medical attention
(d) The BolaWrap™ 100 device anchors are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
(e) The person requests medical treatment or states they are injured.

If any individual refuses medical attention it shall be fully documented in related reports and on body camera video.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the BolaWrap™ 100 device.
Remote Restraint Device (BolaWrap)

304.8 SUPERVISOR RESPONSIBILITIES
When possible, supervisors should respond to calls when they reasonably believe there is likelihood the BolaWrap™ 100 device may be used. A supervisor should respond to all incidents where the BolaWrap™ 100 device was discharged.

A supervisor should review each incident where a person has been exposed to a discharge of the BolaWrap™ 100 device. A preliminary investigation into the incident including interviewing appropriate witnesses shall occur. Photographs should be taken if the skin is penetrated.

304.9 TRAINING
Personnel who are authorized to carry the BolaWrap™ 100 device shall be permitted to do so only after successfully completing the initial department-approved training. Proficiency training for personnel who have been issued BolaWrap™ 100 devices should occur every two years. A reassessment of an officer’s knowledge and/or practical skill may be required at any time if deemed appropriate by the Training officer or a supervisor. All training and proficiency for BolaWrap™ 100 devices will be documented in the officer’s training file.

Officers who do not carry BolaWrap™ 100 devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training officer is responsible for ensuring that all members who carry BolaWrap™ 100 devices have received initial and bi-annual proficiency training. Periodic audits should be used for verification.

Application of BolaWrap™ 100 devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Officer should ensure that all training includes:

(a) A review of this policy
(b) A review of the Use of Force Policy
(c) Target area considerations, to include techniques or options to reduce the unintentional application of anchors near the head, neck, chest and groin.
(d) Handcuffing a subject after the application of the BolaWrap™ 100 device and transitioning to other force options if needed.
(e) Removal of the cord and anchors from an individual.
(f) De-escalation techniques.
(g) Restraint techniques that do not impair respiration following the application of the BolaWrap™ 100 device.
Critical Incident Response and Investigation

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

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

See attachment: Public Safety Statement Advisory.pdf
See attachment: Mental Health Professionals for Wellbeing.pdf

305.2 DEFINITIONS
**Critical Incident:** An incident involving any of the following situations that occur in the line of duty:

1) The use of deadly force by or against a Brooklyn Park Police officer
2) Actions by an officer that causes or are intended to cause death or great bodily harm
3) Death or great bodily harm to a person who is being brought into custody, or is in the custody/control of an officer
4) Death or great bodily harm to an officer
5) Vehicle pursuits resulting in death or great bodily harm to a person(s) or officer
6) Events presenting the risk of significant civil or criminal liability for the officer(s) and/or department

**Officers Directly Involved:** An officer(s) who engaged in conduct, or contributed to the conduct, that results in a critical incident.

**Witness Officers:** An officer that witnesses a critical incident, is at the scene of a critical incident, but did not directly engage in conduct constituting a critical incident.

**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.

**Critical Incident Response Team:** A team of specially trained Brooklyn Park Police supervisors that will respond to all critical incidents, and are responsible for conducting the Administrative Investigation.
Public Safety Statement: A mandatory statement from Officers Directly Involved that provides information necessary to further ensure public safety. This may include questions about the direction that the Officer Directly Involved fired his/her weapon, injured person(s), information on suspects still at large, or other imminent threats to officers/general public.

Voluntary Statement: A statement given by Officers Directly Involved which is voluntary and outlines the details associated with the critical incident. Voluntary statements are essential for bringing criminal charges against suspects, defending officers, and maintaining community trust.

305.3 POLICY
The policy of the Brooklyn Park Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.4 TYPES OF INVESTIGATIONS
Critical Incidents can involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect’s actions
- A criminal investigation of the involved officer’s actions
- An administrative investigation as to policy compliance by involved officers

305.5 CONTROL OF INVESTIGATIONS
Investigators from surrounding agencies may be assigned to work on the criminal investigation of Critical Incidents.

Jurisdiction is determined by the location of the incident and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating Critical Incidents.

305.5.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect maybe controlled by the agency in whose jurisdiction the suspect’s crime occurred or turned over to another agency.

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

305.5.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.
Requests made of this department to investigate a Critical Incident involving an outside agency’s officer shall be referred to the Chief of Police or the authorized designee for approval.

305.5.3 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative investigation of each involved officer is controlled by the respective employing agency.

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

305.6 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of a Critical Incident:

305.6.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of a Critical Incident, the first uninvolved BPPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

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

305.6.2 NOTIFICATIONS
The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigation Division Commander
- Critical Incident Investigative Team (CIT)
- Outside agency investigators (if appropriate)
- Internal Affairs Unit
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
Critical Incident Response and Investigation

- Involved officer’s agency representative (if requested)
- Public Information Officer

305.6.3 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved BPPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
(b) If necessary, the supervisor may administratively order any BPPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects. The supervisor should read the Brooklyn Park Public Safety Statement Advisory when attempting to obtain a public safety statement. See attachment: Public Safety Statement Advisory.pdf
   (a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene or scenes, identity of known or potential witnesses, location of possible evidence, and any other pertinent information.
   (b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than the responses to the Public Safety Statement.
   (c) Normally the public safety statement should be recorded on the supervisors BWC.
   (c) Provide all available information to the Patrol Lieutenant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
   (d) Take command of and secure the incident scene with additional BPPD members until properly relieved by another supervisor or other assigned personnel or investigator.
   (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
      (a) Each involved BPPD officer should be given an administrative order not to discuss the incident with other involved officers or BPPD members pending further direction from a supervisor.
      (b) The supervisor shall recover ALL involved officers Body Worn Camera(s) at the scene and secure them as evidence.
      (c) When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.6.4 INVOLVED OFFICERS
The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.
1. Involved BPPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-BPPD officers should be referred to their employing agency.

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

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Department to each involved BPPD officer. A licensed psychotherapist may also be provided to any other affected BPPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.

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

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Information is used only for the purpose of eliminating the danger. Such information or opinion is not admissible in any personnel or occupational licensing matter involving the officer (Minn. Stat. § 181.973).

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

Each involved BPPD officer shall be given reasonable paid administrative leave following a critical incident.

305.7 INVOLVED OFFICERS WELLBEING

The Brooklyn Park Police Department recognizes that the performance of law enforcement duties is inherently demanding and that certain situations create a significant risk of physical and emotional harm to the officer. Specifically, the Brooklyn Park Police Department acknowledges that the long-term effects of stress and trauma (i.e. PTSD) and other related psychiatric disorders can adversely affect an employee over a period of time if not properly treated early on.

It is therefore important to the Department to develop standards and procedures for officers who have been involved in a Critical Incident to ensure their safety and well-being. This policy shall be administered in a manner that is consistent with the Department's desire to treat affected employees with dignity and respect under such circumstances and to provide information and assistance to them concerning their involvement in critical/traumatic events, their recovery, and
their return to duty. Nothing in this section of the policy should be construed as being an assessment for fitness for duty.

After Incident Care:

(a) **Administrative Leave**: When the incident involves a discharge of a firearm or the death of another, the Involved Officers shall be placed on a mandatory paid administrative leave (minimum of three days) pending a return-to-duty determination by the Chief. All other critical incidents may result in administrative leave after an evaluation of the circumstances and consulting with the involved employee(s).

(b) **Psychological Debriefing**: When the incident involves a discharge of a firearm or the death of another, the Involved Officer(s) shall be required to meet with a Mental Health Professional (MHP) selected by the officer from the Approved List. Such meeting or meetings shall be considered on-duty time, and the City shall pay the fees of the Mental Health Professional. All other critical incidents may require a psychological debriefing after being evaluated for circumstances that would create the potential for involved or witness officers to be impacted.

- (a) **Mental Health Professional (MHP)**: A psychiatrist, psychologist or Police Assistance Program (PAP) contract consultant who is on the Federation and City’s approved list to meet with officers involved in Critical Incidents.
- (b) The scope of this meeting is specifically for the well-being of the employee and the information shared in this meeting is considered confidential and protected.
- (c) This meeting must be scheduled within 10 days of the incident and must occur prior to the involved officer(s) returning to full duty.

(c) **Critical Incident Peer Debriefing** facilitated by the department's Mental Health Professional (PAP) will be offered to witness and involved officers.

(d) Witness Officers may be placed on administrative leave and/or required to attend a psychological debriefing depending on the circumstances of the Critical Incident

### 305.8 CRIMINAL INVESTIGATION

The County Attorney’s Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

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

The following shall be considered for the involved officer:

(a) BPPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of BPPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators.
(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

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

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

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

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

305.8.2 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to a Critical Incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.
   1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
   2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
Critical Incident Response and Investigation

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

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness.

305.8.3 INVESTIGATIVE PERSONNEL
Once notified of a Critical Incident, it shall be the responsibility of the designated Investigation Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes.

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

305.9 ADMINISTRATIVE INVESTIGATION
In addition to all other investigations associated with a Critical Incident, this department will conduct an internal administrative investigation of involved BPPD officers to determine conformance with department policy. This also includes an evaluation of the tactics used and the related training the officer received. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential officer personnel file.

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

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

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

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

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information (Minn. Stat. § 626.89).
1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

2. The interview must be taken at the BPPD or at a place agreed to by the interviewer and the involved officer.

3. The interview must be of reasonable duration and provide the involved officer reasonable periods for rest and personal necessities. When practicable, the interview must be held during the involved officer’s regularly scheduled work shift. If not, the involved officer must be compensated at his/her current pay rate as outlined in the collective bargaining agreement.

4. If requested, the officer shall have the opportunity to select an uninvolved representative or an attorney, or both, to be present during the interview. However, in order to maintain the integrity of each individual officer’s statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.

5. Administrative interviews shall be recorded electronically or otherwise by the investigator. The officer may also record the interview. A complete copy or transcript of the interview must be provided to the involved officer upon written request without charge or undue delay.

6. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be reminded of his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed in writing or on the record that the interview will be for administrative purposes only and that the statement cannot be used criminally.

7. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.10 AUDIO AND VIDEO RECORDINGS

The attorney of any officer involved in a Critical Incident may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to the involved officer providing a statement or completing reports. The attorney can make the determination and subsequent request for the officer to review the video prior to giving a statement or completing a report.

If the officer involved in a Critical Incident is not represented by an attorney, then they may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to the involved officer providing a statement or completing reports.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney as appropriate.
Nothing in this section is intended to interfere with the officer's obligation to provide a public safety statement to a supervisor.

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

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

305.12 DEBRIEFING
Following an officer-involved shooting or death, the Brooklyn Park Police Department should conduct a critical incident/stress debriefing.

305.12.1 CRITICAL INCIDENT/STRESS DEBRIEFING
A critical incident/stress debriefing should occur as soon as practicable. The Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event (Minn. Stat. § 181.973).

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

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

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

305.13 MEDIA RELATIONS
Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Patrol Lieutenant, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.
Critical Incident Response and Investigation

No involved BPPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

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

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

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

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

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

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

306.2 DEFINITIONS
Rangemaster: A position assigned to a supervisor requiring management of the firearms program and the range facility. This includes but is not limited to appointing, managing, and training firearm instructors.

Firearm Instructor: An appointed position that requires the successful completion of instructor-level firearms training and demonstrated proficiency in the ability to instruct other employees in the use of firearms.

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

306.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS
Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member’s Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.
306.4.1 HANDGUNS
The authorized department-issued handgun is the Smith and Wesson or M and P.

306.4.2 PATROL RIFLES
The authorized department-issued patrol rifle is the Smith and Wesson.

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

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

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

306.4.3 PERSONALLY OWNED DUTY FIREARMS
Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.
(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
306.4.4 AUTHORIZED SECONDARY HANDGUN
Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order.
(b) Only one secondary handgun may be carried at a time.
(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

306.4.5 AMMUNITION
Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member’s firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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

306.5.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.
Firearms

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

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

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

306.5.3 TACTICAL LIGHTS
Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Only department approved flashlights and light activation systems are authorized to be used. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Tactical lights mounted to a weapon shall not be used for searching or as a light source unless the use of the weapon is justified as a use of force in the incident.

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

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

306.6 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member’s primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

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

306.6.2 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

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

306.6.3 STORAGE AT HOME
Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Minn. Stat. § 609.666; Minn. Stat. § 609.378).
306.6.4  ALCOHOL AND DRUGS
Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

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

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

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

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

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:
   1. Unauthorized range make-up
   2. Failure to meet minimum standards or qualify after remedial training

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

Recertification Protcol

306.8  FIREARM DISCHARGE
Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Critical Incident Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.
306.8.1 DESTRUCTION OF ANIMALS
Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

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

306.8.2 INJURED ANIMALS
With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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

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

306.9 RANGEMASTER DUTIES
The range will be under the exclusive control of the Rangemaster or designated firearms instructor. All members attending will follow the directions of the Rangemaster or firearms instructor. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Officer after each range date. Failure of any member to sign in and out with the Rangemaster or firearms instructor may result in non-participation or non-qualification.

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

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

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

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

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

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

(c) The Brooklyn Park Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Brooklyn Park Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

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

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

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

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

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

(i) Officers should resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

306.11 CARRYING FIREARMS OUT OF STATE

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

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

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

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

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

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

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

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

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

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

307.2 DEFINITIONS
Definitions related to this policy include:

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

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

**Imminent Safety Risk** - When the prior observed or reported driving conduct of the violator continues, and is so reckless and dangerous it is evident that if the vehicle is not stopped, there is reasonable cause to believe that an accident is impending, threatening the safety of other motorists.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver intended to terminate the pursuit by causing the violator’s vehicle to spin out and come to a stop.
Vehicle Pursuits

**Intentional Vehicle Contact** - The deliberate act of impacting a violator’s vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

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

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

**Termination** - A pursuit is terminated when the pursuing officer(s) notify dispatch and; turn off emergency lights and siren, reduce speed to posted limit and turn off the pursuit route at the next available intersection.

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

**Traffic/Equipment Related Violations:** An observed or reported traffic/equipment infraction that does not meet the criteria of Imminent Safety Risk.

### 307.3 OFFICER RESPONSIBILITIES

It is the policy of this department that a vehicle pursuit shall be conducted with at least one flashing red warning lamp visible from the front and a siren that is sounded when necessary to warn pedestrians or other drivers (Minn. Stat. § 169.17 and Minn. Stat. § 169.68).

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons, and does not protect the driver from the consequences of a reckless disregard for the safety of others.

### 307.3.1 PURSUIT INITIATION

Only fully marked, or Police Package and video equipped vehicles are authorized to initiate or become involved in a pursuit. Investigative and Non-Police Package vehicles can only become involved in pursuits in which a delayed apprehension creates a substantial risk to the public and/or other officers engaged in the pursuit. When other authorized vehicles become available, Investigative and Non-Police Package vehicles should withdraw, unless directed by a supervisor.

Vehicle pursuit is justified only when, prior to the activation of any signal to the operator of a vehicle, the officer has a reasonable and lawful basis according to Minnesota law to stop this vehicle. When such a vehicle fails to stop in response to clear direction from the officer, the officer must exercise discretion as to whether pursuit is appropriate.

In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within close proximity to the vehicle prior to activating the emergency lights and siren.

### 307.3.2 WHEN TO INITIATE A PURSUIT
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A pursuit may be warranted when a vehicle is operating in violation of M.S.S. 609.487 (Fleeing a Peace Officer) and one or more of the following exists:

1. To protect the peace officer 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;

3. 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 if the officer reasonably believes that the person will cause death or great bodily harm if that person’s apprehension is delayed;

4. The officer has reasonable grounds to believe that the driver and/or occupants of the fleeing vehicle are wanted by the court and/or have committed, attempted to commit, or conspired to commit a crime other than the crimes of Flee a Peace Officer in a Motor Vehicle M.S.S. 609.487 and Traffic/Equipment Related violations.

5. The prior and continued driving conduct, as defined under Imminent Safety Risk (GO.307.2), warrants immediate apprehension, outweighing the level of danger created by the pursuit.

Additional Factors to Assess in Initiating or Continuing a Pursuit: Vehicle pursuits shall only be continued when the criteria warranting a pursuit under this section exist. An officer must always continue to balance the risks of the pursuit with the public interest and safety of an immediate apprehension. In evaluating whether to engage in or continue a pursuit, the officer shall consider relevant factors such as:

a. The nature and seriousness of the observed/reported offense;

b. The degree of recklessness exhibited by the pursued driver;

c. The ability of the officer to identify and apprehend the driver at a later time

d. Road and weather conditions;

e. The density of traffic and pedestrians;

f. The apparent age of the driver;

g. Whether the vehicle is a motorcycle or similar vehicle;

h. The apparent condition of the pursued vehicle;

i. The type and condition of the police vehicle;

j. The officer’s familiarity with the area;

k. The time of day;
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I. The driving skills of the officer and the driver of the pursued vehicle;

m. Special conditions such as parades, road construction, etc.;

n. The length of the pursuit;

o. The amount of assistance available;

p. Whether there is a law enforcement helicopter or airplane monitoring the pursuit;

307.3.3 WHEN TO TERMINATE A PURSUIT

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

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

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

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit (Minn. Stat. § 626.8458 Subd. 2 (2); Minn. R. 6700.2701):

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

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

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

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

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

(f) Hazards to uninvolved bystanders or motorists.

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

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

(i) When radio communications are broken or inadequate.

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

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

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

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

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

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

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers shall stay out of the pursuit but should remain alert to its progress and location.

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

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Officer(s) in such vehicles may provide support to pursuing units as long as their vehicle is operated in compliance with all traffic laws.

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

The primary unit should notify Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:
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(a) Reason for the pursuit.
(b) Location and direction of travel.
(c) Speed of the fleeing vehicle.
(d) Description of the fleeing vehicle and license number, if known.
(e) Number of occupants.
(f) The identity or description of the known occupants.
(g) Weather, road and traffic conditions.
(h) Identity of other agencies involved in the pursuit.
(i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
(j) Request for medical assistance for any person injured in the course of the pursuit (Minn. Stat. § 626.8458 Subd. 2 (6)).
(k) In the circumstances where the pursuing officer is operating on a different radio channel that would not normally be monitored by a supervisor, they should request dispatch to notify the on duty BPPD patrol supervisor and advise them of the pursuit. (Assigned Drug Task Force and VOTF officers are exempt from this section)

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics (Minn. R. 6700.2701).

307.4.3 SECONDARY UNITS RESPONSIBILITIES
The second officer in the pursuit is responsible for the following (Minn. R. § 6700.2701):

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

307.4.4 PURSUIT DRIVING TACTICS
The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit (Minn. Stat. § 626.8458 Subd. 2 (3)):
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(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Officers may proceed past a red, or stop signal, or stop sign but only after slowing down and utilizing a flashing red lamp or siren as may be necessary for safe operation (Minn. Stat. § 169.03, Subd. 2).

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway, or freeway (Minn. Stat. § 169.03). In the event the pursued vehicle does so, the following tactics should be considered:
   1. Request assistance from an available air unit.
   2. Maintain visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
   3. Request other units to observe exits available to the suspects.

(d) Notify the Minnesota State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

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

307.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT
There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES
It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department (Minn. Stat. § 626.8458 Subd. 2 (4); Minn. R. § 6700.2701).

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

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

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

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

(d) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
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(e) Direct that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

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

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

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

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

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

307.5.1 PATROL LIEUTENANT RESPONSIBILITIES
Upon becoming aware that a pursuit has been initiated, the Patrol Lieutenant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Lieutenant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command (Minn. Stat. § 626.8458 Subd. 2 4; Minn. R. 6700.2701).

The Patrol Lieutenant shall review all pertinent reports for content and forward them to the Precint Commander.

307.6 COMMUNICATIONS
If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units (Minn. R. § 6700.2701).

307.6.1 LOSS OF PURSUED VEHICLE
When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will immediately terminate the pursuit and return to normal routine driving.

307.7 INTER-JURISDICTIONAL CONSIDERATIONS
When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to the dispatcher and to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist (Minn. Stat. § 626.8458 Subd. 2 (5); Minn. R. § 6700.2701).

If a pursuit from another agency enters the Department’s jurisdiction, Dispatch should update the on-duty supervisor.
307.7.1 PURSUITS EXTENDING INTO THIS JURISDICTION
The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit and the circumstances of the pursuit meet BPPD Department policy for continuing in the pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit as long as the reason for the pursuit meets BPPD policy for initiating a pursuit under policy 307.3.1.

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

(a) Ability to maintain the pursuit.
(b) Circumstances serious enough to continue the pursuit.
(c) Adequate staffing to continue the pursuit.
(d) The public's safety within this jurisdiction.
(e) Safety of the pursuing officers.

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

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

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

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

307.8.1 WHEN USE AUTHORIZED
In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision (Minn. Stat. 626.8458 Subd. 2; Minn. R. 6700.2701).

It is imperative that officers act within legal bounds using good judgment and accepted practices.
307.8.2 USE OF FIREARMS
The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

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

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

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

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

(c) Intentional Vehicle Contact on a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before Intentional Vehicle Contact with
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another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act; that is a matter for the courts to determine by established law. When Intentional Vehicle Contact is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
2. The suspect is driving in willful or wanton disregard for the safety of persons or driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of intentional vehicle contact is not authorized.

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

(e) Spike strips should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle.

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

307.8.4 CAPTURE OF SUSPECTS

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

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.
307.9 REPORTING AND REVIEW REQUIREMENTS
All appropriate reports shall be completed to comply with appropriate local and state regulations. The Investigative Lieutenant shall ensure the appropriate forms are filed with the Department of Public Safety within 30 days (Minn. Stat. 626.5532)

(a) The primary officer shall complete appropriate crime/arrest reports.
(b) The primary officer or supervisor shall complete the appropriate State pursuit report.
(c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's pursuit review to include:
   1. Date and time of pursuit.
   2. Length of pursuit in distance and time.
   3. Involved units and officers.
   4. Initial reason and circumstances surrounding the pursuit.
   5. Starting and termination points.
   6. Alleged offense, charges filed or disposition: arrest, citation or other release.
   7. Arrestee information should be provided if applicable.
   8. Injuries and/or property damage.
   10. The outcome of the pursuit.
   11. Name of supervisor handling or at the scene.
   12. A preliminary determination that the pursuit appears to be in compliance with this policy or additional review and/or follow-up is warranted.

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

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

The training officer shall ensure the frequency and content of emergency vehicle operations and vehicle pursuit training meets or exceeds that required by law (Minn. Stat. § 626.8458 Subd. 5 and Minn. R. § 6700.2702).
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307.9.2 POLICY REVIEW
Each licensed member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

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

307.9.4 PUBLIC DISCLOSURE
Copies of the current pursuit policy shall be made available to the public on request.
Officer Response to Calls

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

308.2 DEFINITIONS
1) Emergency: When the immediate presence of police is required to:
   a. Protect a person from death or serious injury;
   b. Provide emergency medical treatment of accidents, injuries or life threatening situations;
   c. Assist another law enforcement officer(s) in a potentially dangerous situation or,
   d. Make the timely apprehension of those suspected of being involved in a criminal activity.

308.3 RESPONSE TO CALLS
308.3.1 RESPONSE TO EMERGENCY CALLS
Officers responding to an emergency call shall proceed immediately as appropriate. Officers responding to an emergency call shall sound the siren or display at least one lighted red light to the front of the vehicle. Whenever practicable, during an emergency call response the officer should continuously operate emergency lighting equipment and sound the siren (Minn. Stat. § 169.03 et seq.; Minn. Stat. § 169.17).

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

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

308.3.2 LIGHTING EXEMPTION OF LAW ENFORCEMENT VEHICLES
An officer may operate a vehicle without lights as otherwise required while performing law enforcement duties when the officer reasonably believes that operating the vehicle without lights is necessary to investigate a criminal violation or suspected criminal violation of state laws, rules or orders, or local laws, ordinances or regulations. The operation of a vehicle without lights must be consistent with the standards adopted by Minnesota Peace officer Standards and Training Board (POST) (Minn. Stat. § 169.541).
308.4 REQUESTING EMERGENCY ASSISTANCE
Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify Dispatch.

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

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

308.4.1 NUMBER OF UNITS PARTICIPATING
Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Patrol Lieutenant or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

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

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

(a) Proceed cautiously past a red or stop signal or stop sign but only after slowing down and utilizing a red light or siren as may be necessary for safe operation.
(b) Exceed any speed limits, provided this does not endanger life or property.
(c) Disregard regulations governing direction of movement or turning in specified directions as authorized by law.
(d) Disregard regulations governing parking or standing when using a warning lamp.

No privilege exists by statute in the following:

(a) Passing in no-passing zone
(b) U-turns where prohibited (except highway crossovers)
(c) Fail to yield to school patrol
(d) Fail to stop at railroad crossing when arm down
(e) Wear headphones in vehicle

The Emergency Vehicle Preemption System is installed in all marked police emergency vehicles and is treated as a tool in responding to emergency situations. The system shall not be used when an emergency does not exist.

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

308.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Patrol Lieutenant or the field supervisor shall monitor the following:

(a) The proper response has been initiated.
(b) No more than those units reasonably necessary under the circumstances are involved in the response.
(c) Affected outside jurisdictions are being notified as practicable.

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

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

When making the decision to authorize an emergency call response, the Patrol Lieutenant or the field supervisor should consider the following:

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

308.8 FAILURE OF EMERGENCY EQUIPMENT

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

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

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

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

Also see domestic abuse SOP.

309.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

(b) Threats of violence with intent to terrorize as specified by Minn. Stat. § 609.713, Subd.1.

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

(d) Interference with an emergency call as specified by Minn. Stat. § 609.78, Subd.2.

309.2 POLICY
The Brooklyn Park Police Department’s response to incidents of domestic abuse and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic abuse is criminal behavior. It is also the policy of this department to facilitate victims’ and offenders’ access to appropriate civil remedies and community resources whenever feasible.

309.3 OFFICER SAFETY
The investigation of domestic abuse cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

309.4 INVESTIGATIONS
The following guidelines should be followed by officers when investigating domestic abuse cases:
Domestic Abuse

(a) Calls of reported, threatened, imminent or ongoing domestic abuse and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

(c) When officers investigate a domestic incident that involves Non-English speaking victims or witnesses, the officer shall use the agency established resources for interpreting. An Officer should avoid the use of friends, family or neighbors to serve as the primary interpreter for the investigation.

309.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should provide the victim’s contact information to the jail staff to enable notification of the victim upon the suspect’s release from jail (Minn. Stat. § 629.72 Subd. 6).

309.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:
   1. Voluntary separation of the parties.
   2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

309.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.
(b) Provide the victim with the department’s domestic abuse information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

309.6 FOREIGN COURT ORDERS
Various types of orders may be issued in domestic abuse cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

309.7 VERIFICATION OF COURT ORDERS
Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.
309.8 LEGAL MANDATES AND RELEVANT LAWS

Minnesota law provides for the following:

309.8.1 STANDARDS FOR ARRESTS

Officers investigating a domestic abuse report should consider the following:

(a) An officer has the authority to arrest a person without a warrant, including at the person’s residence, if the peace officer has probable cause to believe that the person has, within the preceding 72 hours, exclusive of the day probable cause was established, assaulted, threatened with a dangerous weapon or placed in fear of immediate bodily harm any person covered by the “family or household member” definition, even if the assault did not rise to the level of a felony or did not take place in the presence of the peace officer (Minn. Stat. § 629.34; Minn. Stat. § 629.341).

(b) Officers should generally not make dual arrests but may make an arrest of a primary aggressor. Where there are allegations that each party assaulted the other, the officer shall determine whether there is sufficient evidence to conclude that one of the parties was the primary aggressor based on the following criteria and the officer’s judgment (Minn. Stat. § 629.342, Subd. 2):

1. Comparative extent of any injuries inflicted
2. Fear of physical injury because of past or present threats
3. Actions taken in self-defense or to protect oneself
4. History of domestic abuse perpetrated by one party against the other
5. Existence or previous existence of an order for protection

(c) If a person is determined to be the primary aggressor, and the individuals involved meet the definition of family or household members per statute, that person shall be arrested and taken into custody when an officer has probable cause to believe that the person has:

1. assaulted a family or household member causing visible signs of injury or physical impairment
2. threatened a family member or household member with a dangerous weapon
3. made a terroristic threat within the meaning of Minnesota Statute 609.731s1 or
4. has committed criminal sexual conduct in the first, second, third, or fourth degree within the meaning of Minnesota Statute 609.342, 609.344, or 609.34

(d) When an officer determines that probable cause exists to make an arrest under the above conditions, the officer shall make reasonable efforts to ensure that the offender is arrested within the statutorily allowed time period.

(e) An officer shall not issue a citation in lieu of arrest and detention to an individual charged with any of the following offenses (Minn. Stat. § 629.72):

1. Stalking
Domestic Abuse

2. Domestic abuse
3. Violation of an order for protection
4. Violation of a domestic abuse no contact order

(f) The shift supervisor will determine whether a person arrested on a charge of stalking any person, domestic abuse, violation of an order for protection, violation of a domestic abuse no contact order or violation of a court-ordered transfer of firearms will be held in custody or be issued a citation in lieu of continued detention and released after booking. The person shall be held in custody whenever the Patrol Lieutenant determines that it reasonably appears the release of the person (Minn. Stat. § 629.72):
   1. Poses a threat to the alleged victim or another family or household member.
   2. Poses a threat to public safety.
   3. Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings.

(g) Officers shall arrest and take into custody, without a warrant, a person whom the peace officer has probable cause to believe has violated a court order issued pursuant to Minn. Stat. § 518B.01 or Minn. Stat. § 629.75. Such an arrest shall be made even if the violation of the order did not take place in the presence of the peace officer, if the officer can verify the existence of the order. If the person is not released on citation in lieu of continuing detention, the person shall be held in custody for these violations for at least 36 hours unless released by a court (Minn. Stat. § 518B.01; Minn. Stat. § 629.75).

(h) An arrest for a violation of an order of protection may be made regardless of whether the excluded party was invited back to the residence (Minn. Stat. § 518B.01, Subd. 18).

(i) Following an arrest, an officershould contact the local domestic abuse program as soon as possible and provide the name and address of the victim and a brief factual account of events associated with the action.

(j) An officer shall arrest and take into custody a person whom the officer has probable cause to believe has violated a harassment restraining order, pursuant to Minn. Stat. § 609.748.

(k) Officers are authorized to make an arrest without a warrant when there is probable cause to believe the person has violated the provisions of any other no contact or restraining order issued by a court, even if the offense did not rise to the level of a felony (Minn. Stat. § 629.34). While conducting a domestic abuse investigation officers shall attempt to verify whether there has been a court order issued.

(l) Officers should consider whether other offenses have been committed that may not qualify as a domestic abuse including, but not limited to, burglary, felony assault, terroristic threats, kidnapping, false imprisonment, witness tampering, trespassing, criminal damage to property, disorderly conduct or assa
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309.8.2 REPORTS AND RECORDS
(a) Officers should include information related to the following in a report, as applicable (Minn. Stat. § 629.341):
1. Names, addresses, telephone numbers of all involved persons
2. Condition of clothing
3. Description of the scene, including any property damage
4. Evidence of physical injury, including strangulation
5. Presence of elderly victims or persons with disabilities
6. Facts related to any person who may have been a primary aggressor
7. Excited utterances of the victim and the suspect
8. Demeanor of the victim and the suspect
9. Medical records, including the victim’s statements to paramedics, nurses and doctors
10. Detailed statements of interviews of witnesses, including children, who may have been present, noting any language barriers
11. A detailed explanation of the reasons for the officer’s decision not to arrest or seek an arrest warrant
12. Evidence of any prior domestic abuse, related convictions, including dates
13. Any existing orders for protection, harassment restraining order or no contact orders
14. Identifying information of a specific court order violated, including county of origin, the file number and the provision allegedly violated

(b) If a child was present at the scene of a domestic abuse incident or was the victim of domestic abuse, the officer should determine whether the child has been subjected to physical abuse, sexual abuse or neglect, and comply with the mandatory reporting requirements of Minn. Stat. § 626.556.
1. The officer shall also attempt to verify whether there has been an order for protection issued under Minn. Stat. § 260C.201 and take appropriate action.

(c) Fees will not be charged for the release of reports related to domestic abuse, as directed in Minn. Stat. § 13.82.

309.8.3 SERVICE OF COURT ORDERS
Officers, when reasonably safe and in a position to do so, shall serve copies or short forms of court orders as directed in Minn. Stat. § 518B.01 and Minn. Stat. § 609.748.
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309.8.4 COURT-ORDERED FIREARM SURRENDERS
Although not required, this department generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

Firearms will normally be surrendered at the Brooklyn Park Police Department; however, when encountering someone in the field who wishes to surrender a firearm, officers should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Property and Evidence Unit in accordance with the Property and Evidence Policy.

309.9 ENTERING THE PREMISE
1. Should all parties to the domestic refuse the officers admittance to the dwelling, then the officers shall not enter unless exigent circumstances exist to prevent imminent bodily harm, render emergency first aid or there is other legal justification to do so.

2. When one party is locked out, officers should not assist the evicted party in forcing entry absent exigent circumstances.

3. When officers enter a dwelling with consent and it is thereafter withdrawn by the involved persons, the officers must leave unless there is some legal basis for their continued presence.

4. If officer(s) are refused entry and have no legal recourse to force entry, they should contact the on-duty supervisor to evaluate whether or not to seek a search warrant if they have reasonable grounds to believe a crime has been committed.

309.10 CHILD CUSTODY ISSUES - EXISTENCE OF COURT ORDER
1. Custody of children generally rests with either one of the natural parents. However, if there are no court-ordered custody arrangements and the parents are not married, officers should defer to M. S. S. 257.541 which indicates that the biological mother of a child who was conceived and born while the mother was not married to the child’s father has sole custody of the child until paternity has been established through court proceedings.

2. When one party to a domestic dispute alleges that the other party is violating a court order fixing custody of the children, the officer should:
   a. Investigate the circumstances to determine if a violation of M.S.S. 609.26 has occurred (depriving another of custodial or parental rights). If the circumstances fall within the provisions of this particular statute, action should be taken accordingly.
   b. Advise the disputants to seek legal counsel for advice.
   c. When there is apparent danger to the child's health or welfare, an officer should attempt to obtain the parent's consent to the temporary voluntary removal of the child. If this is unsuccessful, then the officer may take the child into custody by authority of M.S.S.260C.175 subd. 1 (2) ii;
"when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believe will endanger such child's health or welfare."

309.11 CIVIL PROPERTY DISPUTE
Domestic situations at times involve property disputes wherein property is being destroyed or removed. These situations are usually civil in nature.

1. When a disputant damages their own property or property jointly owned with another, laws relative to criminal damage to property are not applicable unless arson was the means of inflicting the damage.

2. Absent criminal charges for removal of or damage to property, persons aggrieved by the loss should be advised to consult with an attorney regarding civil remedies.

3. Assistance with return of personal property, escorts
a) On occasion, officers receive calls requesting an escort to retrieve property when there is a no contact order from the court or requesting assistance in retrieving property from certain locations including homes, businesses, etc. Upon receipt of these types of calls, officers shall respond, by phone or in person, to the location requested and determine the following:
   i. what type of relationship the person has to the domestic situation; i.e. respondent, third party, victim, etc.
   ii. what type of paperwork the person has from the court and what instructions are listed for police assistance.
   iii. ownership of the property where they are requesting assistance at and whether they are present.
   iv. whether or not the paperwork specifically states that the Brooklyn Park Police Department shall escort/assist in the retrieval of such property.

b). If the paperwork from the court does not specifically state that the Brooklyn Park Police Department shall escort/assist with the retrieval of property, then the officer shall instruct the person requesting assistance to have this noted by the court on their paperwork before they can receive assistance from our Department. The officer should instruct the requesting person to contact the Hennepin County Sheriff’s Department Civil Division for assistance in lieu of the Brooklyn Park Police. Officers can also refer the caller to appropriate mediation services. Officers should not assist the person in retrieving the property until this notation is made in the paperwork.

c) Officers responding and assisting on these types of calls are there to keep the peace only. They shall not engage in any removal of property from the location. If there are disagreements as to ownership, the people shall be instructed to resolve the matter in civil court. At no time shall an officer assist with forcing open any premises in these matters. If the property is locked and there is no response at the door, the requesting person shall be told to leave and make arrangements at another time.
Canines

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

310.2 POLICY
It is the policy of the Brooklyn Park Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 ASSIGNMENT
Canine (K9) teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However they may be assigned by the Patrol Lieutenant to other functions such as routine calls for service based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the on duty supervisor.

310.4 CANINE COORDINATOR
The canine coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
(b) Maintaining a liaison with the vendor kennel.
(c) Maintaining a liaison with command staff and functional supervisors.
(d) Maintaining a liaison with other agency canine coordinators.
(e) Maintaining accurate records to document canine activities.
(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
(g) Scheduling all canine-related activities.
(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
310.5 REQUESTS FOR CANINE TEAMS
Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the patrol supervisor.

310.5.1 OUTSIDE AGENCY REQUEST
All requests for canine assistance from outside agencies must be approved by the patrol supervisor and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

(f) All required Brooklyn Park forms and documentation with be completed by the handler even if the deployment occurs out of the city. This includes the Brooklyn Park K9 Risk assessment Form.

310.5.2 PUBLIC DEMONSTRATIONS
All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

310.6 APPREHENSION GUIDELINES
A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler, and/or has committed, is committing, or threatening to commit a weapons offense.

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

Absent a reasonable belief that a suspect poses an immediate threat of violence or serious harm to the public, any officer, or the handler, and/or has committed, is committing, or threatening to commit a weapons offense mere flight from a pursuing officer shall not serve as the basis for the use of a canine to apprehend a suspect without a muzzle on.
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Use of a canine to locate a suspect wanted for a lesser criminal offense than those listed above requires approval from the on duty supervisor and the use of a muzzle to minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications once the suspect has been located and no longer reasonably appears to present a threat or risk of escape the handler should secure the canine as soon as it becomes reasonably practicable. If the canine has apprehended the suspect with a secure bite, the handler should promptly command the canine to release the suspect if the handler believes the suspect no longer poses a threat.

310.6.1 PREPARATION FOR DEPLOYMENT
Prior to the canine being deployed on a track or building search, the canine handler must complete a BPPD K9 Risk Assessment for Tracking and Building Searches form. If the deployment meets the threshold for an unmuzzled deployment an on duty supervisor must approve the deployment of the canine. The approving supervisor will document their decision in a report. The canine handler will ensure that the form is attached to the report.

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

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

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

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

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

If a warning is not to be given, the canine handler when reasonably practicable should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES
Whenever a canine deployment results in a bite or causes injury to an intended suspect a supervisor should be promptly notified and the injuries documented in a canine incident report.
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The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator or on duty supervisor. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine incident report.

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

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

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

(a) Absent a change in circumstances that present an immediate threat to officers, the canine, or the public, such applications should be conducted on leash and with the use of a muzzle to minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

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

310.7.2 NARCOTICS DETECTION
A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:
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(a) The search of vehicles, buildings, bags and other articles.
(b) Assisting in the search for narcotics during a search warrant service.
(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

**310.7.3 BOMB AND EXPLOSIVE DETECTION**

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

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

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

c. Preventative searches at special events, VIP visits, official buildings and other restricted areas.

Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

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

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

**310.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

(a) Have 4 years of law enforcement experience, 3 of those years in uniformed patrol
(b) Residing in an adequately fenced, single-family residence (minimum 6-foot high fence with locking gates).
(c) A garage that can be secured and accommodate a canine vehicle.
(d) Living within 30 minutes travel time from the Brooklyn Park City limits.
(e) Agreeing to be assigned to the position for a minimum of three years.

**310.9 HANDLER RESPONSIBILITIES**

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

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

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

(c) When not in service it is recommended that the canine vehicle is in a locked garage, away from public view.

(d) When a handler is off-duty for an extensive number of days the assigned canine vehicle should be stored at the Brooklyn Park Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify conditions and equipment conform to this policy.

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

(g) When off-duty the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler’s home the gate shall be secured with a lock. When off-duty the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Patrol Inspector.

(j) When off-duty the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Inspector.

(k) Whenever a canine handler is off-duty for an extended number of days it may be necessary to temporarily relocate the canine. In those situations the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

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

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

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.
310.10 HANDLER COMPENSATION
The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the memorandum of understanding (29 USC § 207).

310.11 CANINE INJURY AND MEDICAL CARE
In the event that a canine is injured or there is an indication that the canine is not in good physical condition the injury or condition will be reported to the canine coordinator or on duty supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All medical treatment shall be maintained in the canine activity tracking system.

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

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

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

310.12.1 CONTINUED TRAINING
Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(b) To ensure that all training is consistent no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

310.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING
Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably
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practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

310.12.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler's and the canine's training file.

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

310.12.5 CONTROLLED SUBSTANCE TRAINING AIDS
Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with federal laws and if they comply with applicable state requirements (21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Brooklyn Park Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

310.12.6 CONTROLLED SUBSTANCE PROCEDURES
Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the Patrol Inspector overseeing the Unit.

(e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times except during training. The locked cases shall be secured
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in the trunk of the canine handler’s assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Unit or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.
Search and Seizure

311.1 PURPOSE AND SCOPE
Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Brooklyn Park Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY
It is the policy of the Brooklyn Park Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

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

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

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

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

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

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

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

**311.4 FRISKS (PAT-DOWN SEARCHES)**

When any officer has reasonable suspicion to believe that a person is either suspected of criminal behavior or of violating conditions of parole or probation and that they may possess weapons or other dangerous items the officer may search that individual. An officer may also search an individual when the officer reasonably believes that the individual may present a threat to officer safety.

This is a limited type of search used by officers in the field. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the officer or others.

A police officer must be able to articulate the reason why a person was frisked. The officer does not need to point to any one thing that would justify the action, but may refer to several things, each of which when taken alone may seem innocuous, but when considered together by a police officer trained and experienced in dealing with criminal suspects, raise a reasonable suspicion that the person stopped is armed.

Prior to detaining any individual in any police vehicle, an officer should conduct a frisk of that individual.

Whenever reasonably practicable, a frisk of an individual should be conducted by an officer of the same gender as the person being frisked. Absent the availability of a same gender officer, it is recommended that a witness officer be present during any frisk of an individual of opposite sex as the officer conducting the frisk. It is always best practice to conduct searches in view of a squad camera or BWC when practicable.

**311.5 SEARCH PROTOCOL**

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated unless the anticipated use of keys puts additional safety risks on officers executing the search warrant.
Search and Seizure

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

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

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

312.1 PURPOSE AND SCOPE
This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Brooklyn Park Police Department (34 USC § 11133; Minn. Stat. § 260B.176; Minn. Stat. § 260C.176).

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

312.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.
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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

312.2 POLICY
The Brooklyn Park Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Brooklyn Park Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD
Juveniles who exhibit any of the following conditions should not be held at the Brooklyn Park Police Department:

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

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

These juveniles should not be held at the Brooklyn Park Police Department unless they have been evaluated by a qualified medical and/or mental health professional.
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If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed.

312.3.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior that may indicate the juvenile may harm him/herself while in custody.

312.4 CUSTODY OF JUVENILES
Officers should take custody of a juvenile and temporarily hold the juvenile at the Brooklyn Park Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Brooklyn Park Police Department without authorization of the arresting officer's supervisor or the Patrol Lieutenant.

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

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Brooklyn Park Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible (Minn. Stat. § 260B.175; Minn. Stat. § 260C.143; Minn. Stat. § 260C.176). Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

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

(a) Transported to the juvenile’s home and released to a parent or guardian.

(b) Transported to the juvenile’s school of enrollment and delivered to the school superintendent or a teacher.

(c) Transported to a child truancy center under Minn. Stat. § 260A.04, Subd. 3.

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).
312.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Brooklyn Park Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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

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

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

(a) Endanger him/herself or others.
(b) Not return for a court hearing.
(c) Run away from or otherwise not remain in the care or control of his/her parent, guardian, or custodian.
(d) Face immediate endangerment to his/her health or welfare.

If a juvenile offender is not released to a parent, guardian, custodian, or other suitable person, the officer taking the juvenile offender into custody shall notify the court as soon as possible of the detention of the juvenile and the reasons for detention (Minn. Stat. § 260B.176).

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

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

(a) Of the reasons for custody and the reasons for placement.

(b) Of the location of the facility unless there is reason to believe that disclosure would place the juvenile’s health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176 Subd. 5).
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(c) That the juvenile’s parent, guardian or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.

(d) That the juvenile may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.

(e) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 for longer than 36 hours excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260B.178.

(f) That the juvenile may not be detained under Minn. Stat. § 260C.175 Subd. 1, clause (1) or (2), item (ii) longer than 72 hours at a shelter care facility excluding weekends and holidays unless a petition has been filed pursuant to Minn. Stat. § 260C.178.

(g) That the juvenile may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 for longer than 24 hours in an adult jail or municipal lockup excluding weekends and holidays or longer than six hours if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the juvenile for adult prosecution.

(h) Of the date, time and place of the detention hearing, if this information is available.

(i) That the juvenile and the juvenile’s parent, guardian or custodian have the right to be present and to be represented by counsel at the detention hearing and that if they cannot afford counsel it will be appointed at public expense.

312.5.1 NON-SECURE CUSTODY
All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14 years who is taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility. However, the custody must be non-secure.

Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring the juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

312.5.2 SECURE CUSTODY
A juvenile may be held in secure detention in the jail if the juvenile is 14 years of age or older and, if in the reasonable belief of the officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14 years of age or who does not, in the reasonable belief of the officer, present a serious security risk of harm to self or others, shall not be placed in secure detention but may be kept in non-secure custody in the facility, as long as all other conditions of non-secure custody are met.
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(a) In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:

1. Age, maturity and delinquent history of the juvenile.
2. Severity of the offense(s) for which the juvenile was taken into custody.
3. Juvenile's behavior, including the degree to which the juvenile appears to be cooperative or uncooperative.
4. The availability of staff to provide adequate supervision or protection of the juvenile.
5. The age, type and number of other individuals who are detained in the facility.

(b) A juvenile may be locked in a room or secured in a detention room subject to the following conditions:

1. Juvenile is 14 years of age or older.
2. Juvenile is taken into custody on the basis of having committed a criminal law violation.
3. Detention at this facility does not exceed six hours from the time of arrival at the police station, when both secure and non-secure time is combined.
4. Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents or arrange transfer to a Juvenile Detention Facility.

312.5.3 SECURE DETENTION OF JUVENILES
While in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and to protect the juvenile and others from harm.

(a) Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:

1. An employee of the Department must be present at all times to ensure the juvenile's safety while secured to a stationary object.
2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.
3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Patrol Lieutenant or the designated supervisor, and the reason for continued secure detention shall be documented.
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(b) In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:

1. Constant auditory access to staff by the juvenile.
2. Unscheduled personal visual supervision of the juvenile by department staff, no less than every 30 minutes. These jail checks shall be documented.

(c) Males and females shall not be placed in the same locked room unless under direct visual supervision.

312.5.4 JUVENILE DETENTION ROOMS
The Brooklyn Park Police Department has provided juvenile detention rooms outside of the adult jail facility. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Officers or investigators placing juveniles in secure detention rooms shall comply with the following:

(a) It is the officer's responsibility to notify the patrol supervisor, and investigations personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of six hours.

(b) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the patrol supervisor shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.

(c) A written record will be maintained on a detention log located in the detention center. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began and the time it ended. There will also be a place for the patrol supervisor to initial the log approving the detention to occur and to initial the log when the juvenile is released.

(d) The patrol supervisor or designee shall be responsible for monitoring the detention of the juvenile and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of this department. The patrol supervisor shall be notified in all cases when a juvenile is detained at this department, and when applicable, shall be provided the name of the investigator taking responsibility for the detention and processing of the juvenile.

(e) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report.
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312.5.5 JUVENILE'S PERSONAL PROPERTY
The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be locked in a juvenile property locker until the juvenile is released from the custody of the Brooklyn Park Police Department.

312.5.6 MONITORING OF JUVENILES
The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once every 30 minutes on an unscheduled basis until the juvenile is released. This inspection shall not be replaced by video monitoring. The inspection shall be logged on the Inspection Log.

More frequent visual inspections should be made as circumstances dictate, as in the case of an injured or ill juvenile being detained or if specific circumstances exist, such as a disciplinary problem or suicide risk. In such instances the patrol supervisor shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs shall be turned into the commanding officer overseeing the jail or their designee at the end of each month.

312.5.7 REQUIRED JUVENILE PROVISIONS
While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

(a) Reasonable access to toilets and washing facilities.
(b) Food, if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided from the jail food supply.
(c) Reasonable access to drinking water.
(d) Privacy during family, guardian or lawyer visits.
(e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody).

312.5.8 FORMAL BOOKING
Any juvenile, 14 years of age or older, who is taken into custody for a firearms or dangerous weapon violation, felony, domestic violence, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted and photographed.

No other juvenile shall be formally booked without the authorization of the arresting officer's supervisor.
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For all other acts defined as crimes, juveniles may be booked and fingerprinted or photographed, giving due consideration to the following:

(a) The gravity of the offense.
(b) The past record of the offender.
(c) The age of the offender.

312.5.9 DISPOSITIONS

(a) Juveniles taken into custody under Minn. Stat. § 260B.175 or protective custody under Minn. Stat. § 260C.175 shall be released to their parent, legal guardian or custodian unless the child would endanger self or others, not return for court, run away from those to whom the juvenile is released, or if the child's health or welfare would be immediately endangered (Minn. Stat. § 260B.176 Subd. 1, Minn. Stat. § 260C.176 Subd. 1).

1. If the juvenile is not released under the sections above, the arresting officer shall notify the court as soon as possible of the detention and the reasons for the detention (Minn. Stat. § 260B.176 Subd. 2 (a), Minn. Stat. § 260C.176 Subd. 2 (a)).

2. No delinquent juvenile may be detained in a juvenile secure detention facility or shelter care facility longer than 36 hours, excluding weekends and holidays, unless a court petition is obtained (Minn. Stat. § 260B.176 Subd. 2 (b)).

3. No delinquent juvenile may be detained in an adult jail or municipal lockup longer than 24 hours, excluding weekends and holidays, or no longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical area unless a court petition has been obtained and a motion made to refer the child for adult prosecution (Minn. Stat. § 260B.176 Subd. 2 (c)).

(a) When a delinquent juvenile is detained as above, the jail supervisor shall, if the child's parent or legal guardian consents, have a children's mental health screening conducted unless a previous test was conducted in the last 180 days or the child is currently under the care of a mental health professional (Minn. Stat. § 260B.176 Subd. 2 (e)).

(b) If for unusual reasons a juvenile is kept beyond 24 hours, the jail shall notify the court (Minn. Stat. § 260B.176 Subd. 2 (d)).

(b) Any juvenile not transferred to a juvenile detention facility or released as above, shall be released to one of the following:

(a) Parent or legal guardian.
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(b) An adult member of his/her immediate family.

(c) A responsible adult person specified by the parent/guardian.

(d) Any responsible adult person willing to sign a written agreement and accept responsibility when the juvenile's parents are unavailable, as approved by the patrol supervisor.

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

(a) Of the reasons for custody and the reasons for placement.

(b) Of the location of the facility, unless there is reason to believe that disclosure would place the child's health and welfare in immediate endangerment. If so, the disclosure shall not be made (Minn. Stat. § 260B.176 Subd. 5).

(c) That the child's parent, guardian or custodian and attorney or guardian ad litem may make an initial visit to the facility at any time. Subsequent visits may also be made on a reasonable basis.

(d) That the child may telephone parents and an attorney or guardian ad litem immediately after being admitted to the facility and thereafter on a reasonable basis.

(e) That the child may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 longer than 36 hours, excluding weekends and holidays, unless a petition has been filed pursuant to Minn. Stat. § 260B.178

(f) That the child may not be detained for acts under Minn. Stat. § 260C.007 Subd. 1, clause (1) or (2), item (ii) longer than 72 hours, excluding weekends and holidays, unless a petition has been filed pursuant to Minn. Stat. § 260C.178.

(g) That the child may not be detained for acts under Minn. Stat. § 260B.007 Subd. 6 longer than 24 hours in an adult jail or municipal lockup, excluding weekends and holidays or longer than six hours if the adult jail or municipal lockup is a standard metropolitan statistical area, unless a petition has been filed pursuant to Minn. Stat. § 260B.178 and a motion made to refer the child for adult prosecution.

(h) Of the date, time and place of the detention hearing, if this information is available.

(i) That the child and the child's parent, guardian or custodians have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, it will be appointed at public expense.
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(d) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:

(a) The arresting officer may counsel or admonish the juvenile and recommend no further action be taken. The juvenile will then be released to a responsible person as described above.

(b) If the arresting officer or the patrol supervisor believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court.

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

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Brooklyn Park Police Department.

(c) Patrol supervisor notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The patrol supervisor shall initial the log to approve the custody including any secure custody and shall also initial the log when the juvenile is released.

312.7 NO-CONTACT REQUIREMENTS
Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile or status offenders.

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

312.7.1 RELEASE OF INFORMATION BY DISTRICT COURT ORDER
A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual.

312.7.2 RELEASE OF INFORMATION TO OTHER AGENCIES
Minnesota law authorizes the release of certain information to other agencies. It shall be the responsibility of the Support Services Manager and the appropriate Detective Supervisors to ensure that personnel of those bureaus act within legal guidelines (Minn. Stat. § 260B.171 Subd. 5 (b) and (8)).

312.7.3 SCHOOL NOTIFICATION
Minnesota law requires the Chief of Police or designee notify the superintendent or chief administrative officer of a juvenile's school of an incident occurring within our jurisdiction if (Minn. Stat. § 260B.171 Subd. 5 (e)):

(a) There is probable cause to believe a juvenile has committed an offense that would be a crime if committed as an adult, that the victim is a student or staff member, and the notice is reasonably necessary for the protection of the victim.

(b) For certain serious crimes regardless of whether the victim is a student or staff member.

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

312.8 TEMPORARY CUSTODY REQUIREMENTS
Members and supervisors assigned to monitor or process any juvenile at the Brooklyn Park Police Department shall ensure the following:

(a) The patrol supervisor should be notified if it is anticipated that a juvenile may need to remain at the Brooklyn Park Police Department more than four hours. This will enable the patrol supervisor to ensure no juvenile is held at the Brooklyn Park Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care such as changing clothing or using the restroom without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices such as peep holes or mirrors of which the juvenile is not aware. Therefore an employee should inform a juvenile under his/her care that
the juvenile will be monitored at all times unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

312.8.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The patrol supervisor shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as reasonably possible:

(a) The county attorney.

(b) The parent, guardian or person standing in loco parentis of the juvenile.
312.8.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the patrol supervisor if he/she believes the juvenile may be a suicide risk. The patrol supervisor will then arrange to contact a paramedic for evaluation, or the juvenile detention facility and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

312.8.3 USE OF RESTRAINT DEVICES
The use of a restraint is an extreme measure and is only a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

(a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.
(b) Is a serious and immediate danger to him/herself or others.

Restraint devices include those that immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the patrol supervisor.

Restraints shall only be used as long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile. The patrol supervisor shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained to ensure that restraints are properly employed and to ensure the safety and well-being of the juvenile. Such supervision shall be documented in the report.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment or as a substitute for treatment.

312.8.4 DISCIPLINE OF JUVENILES
Police personnel are prohibited from administering discipline to any juvenile.
Section 312.8.5 Death of a Juvenile While Detained

The County Attorney’s Office and the Sheriff and/or Medical Examiner will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The jail commanding officer or designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Brooklyn Park Police Department, the following shall apply:

(a) The Chief of Police or designee shall provide and prepare all reports required by the state.

(b) Upon receipt of a report of death of a juvenile from the Chief of Police or designee the state may inspect and evaluate the juvenile facility, jail, lockup or court holding facility.

(c) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:

1. The Chief of Police or designee.
2. The health administrator.
3. The responsible physician and other health care and supervision staff who are relevant to the incident.

Section 312.8.6 Curfew Violations

Juveniles detained for curfew violations may be released in the field or brought to the station but shall only be released to their parent, legal guardian or responsible adult.

Section 312.8.7 Truancy

Juveniles detained for truancy violations may be released to a Truancy Service Center, released in the field or brought to the station and only released to the parent, legal guardian or responsible adult (Minn. Stat. § 260A.04 Subd. 3).

Section 312.8.8 Photographs of Juveniles

Photographs of a juvenile taken into custody may not be taken absent consent of the juvenile court or when the juvenile is alleged to have violated Minn. Stat. § 169A.20 (Minn. Stat. § 260B.171 Subd. 5).

Section 312.9 Use of Restraint Devices

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Brooklyn Park Police Department when the juvenile presents a heightened risk. However non-offenders and status offenders should not be handcuffed unless they are combative or threatening.
Temporary Custody of Juveniles

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

312.10 PERSONAL PROPERTY
The officer taking custody of a juvenile offender or status offender at the Brooklyn Park Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Brooklyn Park Police Department.

312.11 SECURE CUSTODY
Only juvenile offenders 14 years of age or older may be placed in secure custody. Patrol Supervisor approval is required before placing a juvenile offender in secure custody.

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

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

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

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
(b) Juveniles shall have constant auditory access to department members.
(c) Initial placement into and removal from a locked enclosure shall be logged.
(d) Random personal visual checks of the juvenile by a staff member shall occur no less than every 15 minutes.
   1. All checks shall be logged.
Temporary Custody of Juveniles

2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).

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

312.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE
The patrol supervisor will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Brooklyn Park Police Department. The procedures will address:
   (a) Immediate notification of the on-duty supervisor and Command Staff.
   (b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
   (c) Notification of the appropriate prosecutor.
   (d) Notification of the City attorney.
   (e) Evidence preservation.

312.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS
No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent and does consent to an interview or interrogation.
Adult Abuse

313.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Brooklyn Park Police Department members as required by law (Minn. Stat. § 626.557).

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

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

313.2 POLICY
The Brooklyn Park Police Department will review all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

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

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

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

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

(a) The identity of the vulnerable adult and any caregiver

(b) The nature and extent of the suspected maltreatment

(c) Any evidence of previous maltreatment
Adult Abuse

(d) The name and addresses of the person initiating the report or other witnesses
(e) The time, date, and location of the incident
(f) Any other information that might be helpful in investigating the suspected maltreatment

If notification of maltreatment is first made to the Brooklyn Park Police Department, the member receiving the notification shall complete and forward the intake form to the entity responsible for receiving such reports.

313.4 INVESTIGATIONS AND REPORTING
All reported or suspected cases of adult abuse requires an investigator review. (Minn. Stat. § 626.557).

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

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

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

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

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

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

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

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

313.6 INTERVIEWS

313.6.1 PRELIMINARY INTERVIEWS
Officers may audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

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

(a) Exigent circumstances exist, such as:
   1. A reasonable belief that medical issues of the adult need to be addressed immediately.
   2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
   3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.
313.7 MEDICAL EXAMINATIONS
When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult’s transportation to the appropriate medical facility.

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

313.9 STATE MANDATES AND OTHER RELEVANT LAWS
Minnesota requires or permits the following:

313.9.1 SUPPORT SERVICES DIVISION RESPONSIBILITIES
The Support Services Division is responsible for:

(a) Providing a copy of the adult abuse report to the applicable entity in the county responsible for receiving such reports as required by law. (MAARC)

(b) Retaining the original adult abuse report with the initial case file.

313.9.2 RELEASE OF REPORTS
Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 626.557).

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.
Discriminatory Harassment

314.1 PURPOSE AND SCOPE
This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

314.2 POLICY
The Brooklyn Park Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate, discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

314.3 DISCRIMINATION PROHIBITED

314.3.1 DISCRIMINATION
The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

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

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

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

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

314.3.3 ADDITIONAL CONSIDERATIONS
Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) or the Minnesota Department of Human Rights.

(b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

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

314.4 RESPONSIBILITIES
This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Human Resources Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.
Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below. Failure to take action after knowing of an alleged violation can result in the supervisor being held personally responsible.

314.4.1 SUPERVISOR RESPONSIBILITY
Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment and retaliation.
(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
(c) Ensure that their subordinates understand their responsibilities under this policy.
(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
(e) Notify the Chief of Police or Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

314.4.2 SUPERVISOR’S ROLE
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

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

314.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

314.5.1 SUPERVISORY RESOLUTION
Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

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

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

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

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Human Resources Manager or the City Manager.

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

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

314.7 DOCUMENTATION OF COMPLAINTS
All complaints or allegations shall be thoroughly documented on forms and in a manner designated
by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager or Human Resources Manager if
  more appropriate.
- Maintained for the period established in the department’s retention schedule.
Child Abuse

315.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Brooklyn Park Police Department members are required to notify the county social services agency of suspected child abuse.

315.1.1 DEFINITIONS
Definitions related to this policy include:

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

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child’s care or any other act that would mandate notification to a social service agency (Minn. Stat. § 626.556; Minn. Stat. § 626.5561).

315.2 POLICY
The Brooklyn Park Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county social services agency is notified as required by law.

315.3 MANDATORY NOTIFICATION
Members of the Brooklyn Park Police Department shall notify the county social services agency when they have reason to believe any of the following may have occurred or when someone reports any of the following (Minn. Stat. § 626.556):

(a) A child is being neglected or has been neglected within the preceding three years.

(b) A child is being physically abused or has been physically abused within the preceding three years by a person responsible for the child’s care.

(c) A child is being sexually abused, threatened with sexual abuse or has been sexually abused within the preceding three years by a person responsible for the child’s care, by a person who has a significant relationship to the child or by a person in a position of authority.

(d) A woman is pregnant and has used a controlled substance for a non-medical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol (marijuana), or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive (Minn. Stat. § 626.5561).

Notification is mandatory for any acts of neglect, physical abuse and sexual abuse that constitute a crime, whether or not the suspect had any relationship to or responsibility for the child (Minn. Stat. § 626.556, Subd. 10a).

For purposes of notification, physical abuse includes injuries, mental injuries or injuries that cannot be reasonably explained (e.g., punching, kicking, burning). Sexual abuse includes criminal
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sexual conduct and prostitution offenses. Neglect includes failure to supply a child with necessary clothing, shelter, medical care, etc. See Minn. Stat. § 626.556, Subd. 2 for full definitions of physical abuse, sexual abuse and neglect.

315.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Minn. Stat. § 626.556):

(a) The member tasked with the investigation shall call the county social services agency and report the alleged abuse as soon as possible but always within 24 hours. The time of the call and the name of the person should be documented.

(b) Notification, when possible, should include:
   1. The child’s current location and whether the child is in immediate danger.
   2. A description of when and where the incident occurred and what happened to the child.
   3. A description of the injuries or present condition of the child.
   4. The names and addresses of the child, parents, or caregivers.
   5. Whether there were any witnesses to the incident and their names.
   6. Any additional information about the child, family, or caregivers that may be helpful.
   7. Whether the incident occurred in a licensed facility or a school and what actions the facility employees may have taken.
   8. Whether there are immediate family, relative, or community resources that would offer protection or support to the child.

(c) Forms that may be required by the county social services agency or other written notification shall be completed and faxed or delivered to the county social services agency as soon as possible but always within 72 hours, exclusive of weekends and holidays.

(d) Approved investigation reports should be forwarded to the county social services agency as soon as practical.

(e) When the child abuse occurred at a facility or by a person from a facility that requires a state license or a profession that requires a state license (e.g., foster homes, group homes, day care, educator), notification shall also be made to the agency responsible for licensing the facility or person (Minn. Stat. § 626.556).

315.3.2 GENERAL REPORTS
Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a general report. No additional suspected child abuse report is required if the incident is documented in a general or miscellaneous report.
315.3.3 CONTACTING SUSPECTED CHILD ABUSE VICTIMS
An officer should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian, unless any of the following apply:

(a) Exigent circumstances exist. For example, reasonable belief that medical issues need to be addressed immediately.

(b) A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating officer to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.

Any juvenile student at school, who is a suspected victim of child abuse, shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member’s presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

315.3.4 RELEASE OF REPORTS
Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Release of Records and Information Policy (Minn. Stat. § 626.556 Subd. 11).

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of established child abuse to the prosecutor for review. Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(d) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(e) Participate in or coordinate with multidisciplinary investigative teams as applicable.

315.5 INVESTIGATIONS AND REPORTING
In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:
Child Abuse

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.5.1 JUVENILE INTERVIEW PRECAUTIONS
Absent exigent circumstances or a court order officers should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless any of the following apply:

(a) Exigent circumstances exist. For example:
   1. A reasonable belief that medical issues need to be addressed immediately.
   2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

(b) A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating officer to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.
Child Abuse

Any juvenile student at school, who is a suspected victim of child abuse, shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support, and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

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

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

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

Children may only be removed from a parent or guardian in the following situations (Minn. Stat. § 260C.175):

(a) When a court has issued an order for removal.
(b) When a child is found in surroundings or conditions that pose an imminent threat to the child's health or welfare or that a peace officer reasonably believes pose an imminent threat to the child's health or welfare.
(c) If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, taking the child into custody under this clause shall be consistent with the Indian Child Welfare Act (25 USC § 1922).

315.6.1 SAFE PLACE FOR NEWBORNS
A person may leave an unharmed newborn less than seven days old with the staff of a hospital, urgent care facility or ambulance service without being subject to prosecution (Minn. Stat. § 609.3785). The responsible social service agency is charged with addressing these matters but may contact law enforcement if child abuse is suspected (Minn. Stat. § 145.902; Minn. Stat. § 609.3785).

315.7 INTERVIEWS
315.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 NOTIFICATION TO PARENTS
Generally, officers should cooperate with parents and guardians and seek consent prior to conducting interviews of children. However, when reasonably necessary, state law grants officers the authority to interview a child who is the alleged victim of abuse or neglect, and any other children who currently reside or have resided with the alleged victim, without parental consent (Minn. Stat. § 626.556, Subd. 10).

The interview may take place at school or at any facility or other place where the alleged victim or other children might be found, or the child may be transported to, and the interview conducted at, a place that is appropriate for the interview and has been designated by the local welfare agency or law enforcement agency. The interview may take place outside the presence of the alleged offender or parent, legal custodian, guardian or school official (Minn. Stat. § 626.556, Subd. 10).

315.7.3 DOCUMENTING AND RECORDING INTERVIEWS
Any statement made by an alleged child abuse victim during the course of a criminal investigation shall be documented. The documentation of the interview must contain, at a minimum (Minn. Stat. § 626.561):

(a) The date, time, place and duration of the interview.
(b) The identity of the persons present at the interview.
(c) A summary of the information obtained during the interview if it was not audio recorded.

Members should follow the written guidelines of the county attorney’s office regarding recording interviews of a child abuse victim.

315.8 MEDICAL EXAMINATIONS
If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child’s transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.
**315.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

315.9.1 SCHOOL NOTIFICATION

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

**315.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Minnesota requires or permits the following:

315.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Minn. Stat. § 626.556, Subd. 11).

315.10.2 CHILD MORTALITY REVIEW PANELS

Child mortality review panels are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (Minn. Stat. § 256.01, Subd. 12).

315.10.3 COORDINATION WITH SOCIAL SERVICES

In every case of child abuse that would require notification to a local county social services agency, the investigating officer shall coordinate the planning and execution of the investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. The investigating officer shall prepare a report separate from the social services agency (Minn. Stat. § 626.556, Subd. 10).

Members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Minn. Stat. § 626.556 (Minn. Stat. § 243.166).

315.10.4 NOTIFICATION PROCESS

The agency is responsible for ensuring the mandatory notifications to the county social service agency are carried out. This should be achieved, in part, by establishing and reviewing related procedures and through ongoing training (Minn. Stat. § 626.556).
315.10.5 COURT-ORDERED FIREARM SURRENDERS
Although not required, this department generally will accept firearms surrendered by a court order from an abusing party or defendant. A decision to refuse a surrendered firearm should be approved by a supervisor.

Firearms will normally be surrendered at the Brooklyn Park Police Department; however, when encountering someone in the field who wishes to surrender a firearm, officers should make reasonable efforts to accommodate the request.

Surrendered firearms should be collected and submitted to the Property and Evidence Unit in accordance with the Property and Evidence Policy.

315.11 TRAINING
The Training Unit should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting forensic interviews.
(c) Availability of therapy services for children and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to child abuse investigations.
(f) Availability of victim advocate or guardian ad litem support.
Missing Persons

316.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS
Definitions related to this policy include:

**Endangered** - A person the Department has confirmed is missing and there is sufficient evidence to indicate that the person is at risk of physical injury or death. Examples include (Minn. Stat. § 299C.52):

(a) The person is missing because of a confirmed abduction or under circumstances that indicate the person’s disappearance was not voluntary.
(b) The person is missing under known dangerous circumstances.
(c) The person is missing more than 30 days.
(d) The person is under the age of 21 and at least one other factor is applicable.
(e) There is evidence that the person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if the person does not receive the needed care or medication.
(f) The person does not have a pattern of running away or disappearing.
(g) The person is mentally impaired.
(h) There is evidence that a non-custodial parent may have abducted the person.
(i) The person has been the subject of past threats or acts of violence.
(j) There is evidence that the person is lost in the wilderness, backcountry or outdoors where survival is precarious and immediate and effective investigation and search-and-rescue efforts are critical.
(k) Any other factor the Department deems to indicate the person may be at risk of physical injury or death, including a determination by another law enforcement agency that the person is missing and endangered.
(l) There is sufficient evidence that a child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.
(m) Qualify for a state AMBER Alert™ pursuant to Minn. Stat. § 299A.61, Subd. 1.

**Missing person** - Any person who is reported missing to law enforcement when that person’s location is unknown. This includes any person under the age of 18 or who is certified or known to be mentally incompetent (Minn. Stat. § 299C.52).

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Minnesota Justice Information...
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Services (MNJIS), the Minnesota Missing and Unidentified Persons Clearinghouse and the Minnesota Crime Alert Network.

316.2 POLICY
The Brooklyn Park Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 ACCEPTANCE OF REPORTS
Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (Minn. Stat. § 299C.53, Subd.1(a)).

316.3.1 INVESTIGATION OF MISSING AND ENDANGERED PERSONS
If it is determined the person is missing and endangered, the handling officer shall immediately (Minn. Stat. § 299C.53 Subd. 1 (b)):

(a) Ensure that identifying and descriptive information about the person and involved suspects and vehicles is immediately entered into the NCIC system for persons under 21 years of age (42 USC. 5779 (a)).

(b) Consult with the Bureau of Criminal Apprehension and request assistance as necessary.

(c) Secure the crime scene and/or last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.

(d) Implement multi-jurisdictional coordination and mutual aid plans when necessary. Factors to consider include:

1. Inadequate Department resources.
2. The investigation crosses jurisdictional lines.
3. Existence of pre-established task forces or investigative teams.
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(e) Notify the family of the Minnesota Missing/Unidentified Persons Clearinghouse services available.

(f) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.

(g) Activate protocols for working with the media, including AMBER Alert and Minnesota Crime Alert Network.

For cases involving missing children the investigator shall comply with federal laws regarding the reporting and investigation of missing children cases (Minn. Stat. § 299C.53 Subd. 4).

316.3.2 CRIME SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a Command Post or Operation Base placed into operation a reasonable distance from the crime scene. Staff and assign the responsibilities for Command Post Supervisor, Media Specialist, Search Coordinator, Investigative Coordinator, Communication Officer and Support Unit Coordinator. Provide two liaison officers (one at the command post and one at the crime scene). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the scene and crime should consider various elements, including:

(a) Establishing the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for Department use and follow-up on all leads.

(b) Compilation of a list of known sex offenders in the region.

(c) In cases of infant abduction, investigate claims of home births made in the area.

(d) In cases involving children, obtain child protective agency records for reports of child abuse.

(e) Review of records for previous incidents related to the missing person and prior law enforcement activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

(f) Obtain the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.

(g) Creating a Missing Persons’ Profile with detailed information obtained from interviews and records from family and friends describing the missing person's health, relationships, personality, problems, life experiences, plans, equipment, etc.

(h) Update the NCIC file as necessary with any additional information, regarding the missing person, suspect(s) and vehicle(s).
(i) Interview of delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers, etc.

(j) For persons under the age of 21, contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.

(k) Determine if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:

1. Investigative resources.
2. Interpretive resources.
3. Telephone services, such as traps, traces and triangulation.
4. Media assistance from local and national sources.

(l) Use of secure electronic communication information, such as the missing person's cellular telephone number, e-mail address(es) and social networking site information.

(m) Appointing an officer who shall be responsible to communicate with the family/reporting party or their designee, and who will be the primary point of contact for the family/reporting party or designee. Provide contact information and the family information packet (if available) to the family/reporting party or designee.

(n) Providing general information to the family/reporting party or designee about the handling of the missing person case or about intended efforts in the case to the extent that the Department determines that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person(s) criminally in the disappearance.

316.4 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call as soon as practicable. Obtain a detailed description of the missing person, as well as a description of any related vehicle and/or abductor.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be endangered (Minn. Stat. § 299C.53, Subd. 1(b)). Interviews should be conducted separately, if practicable.

(c) Consult with the Bureau of Criminal Apprehension (BCA) if the person is determined to be an endangered missing person (Minn. Stat. § 299C.53, Subd. 1(b)).

(d) Canvass the last known area where the missing person was seen, if known. A search of the location where the incident took place, if known, should also be conducted and a search warrant obtained if necessary.
(e) Determine when, where and by whom the missing person was last seen. Interview the person who last had contact with the missing person.

(f) Notify a supervisor immediately if there is evidence that a missing person is either endangered or may qualify for a public alert, or both (see the Public Alerts Policy).

(g) Broadcast an “Attempt to Locate” (ATL) or similar alert if the person is under 18 years of age or there is evidence that the missing person is endangered. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be endangered.

(h) Relay known details to all on-duty personnel as well as other local or surrounding law enforcement agencies using local and state databases.

(i) Ensure that entries are made into the appropriate missing person networks:
   1. Immediately, when the missing person is endangered (Minn. Stat. § 299C.53, Subd. 1(b)).
   2. In all other cases, the decision is deferred to a supervisor or investigator assigned.

(j) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(k) Collect and/or review:
   1. A photograph and fingerprint card of the missing person, if available (Minn. Stat. § 299C.54, Subd. 2).
      (a) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
   2. Any documents that may assist in the investigation, such as court orders regarding custody.
   3. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(l) When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier.

(m) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an endangered missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

(n) Implement multi-jurisdictional coordination/mutual aid plan as appropriate such as when:
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1. The primary agency has limited resources.
2. The investigation crosses jurisdictional lines.
3. Jurisdictions have pre-established task forces or investigative teams.

316.5 REPORT PROCEDURES AND ROUTING
Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor.

316.5.1 SUPERVISOR RESPONSIBILITIES
The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.
   1. The reports should be promptly sent to the Support Services Division.
(b) Ensuring resources are deployed as appropriate.
(c) Initiating a command post as needed.
(d) Ensuring applicable notifications and public alerts are made and documented.
(e) Ensuring that records have been entered into the appropriate missing persons networks.
(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
   1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.5.2 SUPPORT SERVICES DIVISION RESPONSIBILITIES
The receiving employee shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction.
(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.
(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
(d) Forward a copy of the report to the Investigation Unit.

316.5.3 SCHOOL NOTIFICATION
As necessary, the handling investigator will request that the school district in which a missing child is enrolled flag the pupil's records in such a manner that it is clear the record is that of a missing pupil. The school is responsible to flag the missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records (Minn. Stat. § 123B.08).
316.6 MISSING PERSONS LOCATED

When a missing person is located, the appropriate actions related to the type of recovery are required:

(a) When a missing person is located alive, the investigation may be concluded after completion of the following:

1. Verification that the located person is the reported missing person.
2. If appropriate, arrange for a comprehensive physical examination of the victim.
3. When appropriate conduct a careful interview of the person, document the results of the interview and involve all appropriate agencies.
4. Notify the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of their whereabouts and contact information, the family/reporting party may be informed of this information.
5. Depending on the circumstances of the disappearance, consider the need for reunification assistance, intervention, counseling or other services for either the missing person or family/reporting party.
6. Cancel alerts (Minnesota Crime Alert, AMBER Alert), remove case from NCIC (Minn. Stat. § 299C.53. Subd. 2) and other information systems and remove posters and other publications from circulation.
7. Perform constructive post-case critique. Reassess the procedures used and update the Department policy and procedures as appropriate.

(b) When a missing person is located deceased, additional investigation includes the following:

1. Secure the crime scene if this Department has jurisdiction.
2. Contact the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
3. Collect and preserve any evidence at the scene.
4. Depending on the circumstances, consider the need for intervention, counseling or other services for the family/reporting party.
5. Cancel alerts and remove case from NCIC and other information systems, remove posters and other publications from circulation.
6. Perform constructive post-case critique. Reassess the procedures used and update the Department policy and procedures as appropriate.
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316.7 MISSING PERSONS FROM SEX OFFENDER PROGRAM
The administrator of a Minnesota sex offender treatment program facility or his/her authorized
designee is mandated by law to report patients who are absent without authorization. Officers
receiving these reports are required to complete a missing person's report and ensure the
information is entered into the missing persons' file of the National Crime Information Center
(NCIC) database and other applicable missing persons' databases. Where there is probable cause
of a violation of Minn. Stat. § 609.485 (escape from custody), the investigating officer shall also
seek a felony arrest warrant and ensure the warrant is entered into the NCIC database (Minn.
Stat. § 253B.185).

Upon notice of a patient missing from a sex offender program, the reporting officer should advise
the supervisor of the circumstances as soon as practicable.

After receiving either a missing person's report or a court-issued “apprehend and hold” order,
officers shall detain a sex offender treatment patient who has been located, and return the patient
to the custody of the program. A detained patient should not be held in a jail or lockup unless
there is no other feasible place of detention for the patient, the detention is for less than 24 hours,
and there are protections in place (including segregation) to ensure the safety of the patient. This
is not applicable to a patient arrested for a criminal offense, such as a violation of Minn. Stat. §
609.485 (escape from custody) (Minn. Stat. § 253B.185).

316.8 CASE CLOSURE
The Investigation Unit supervisor may authorize the closure of a missing person case after
considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence
    matches an unidentified person or body.

(b) If the missing person is a resident of Brooklyn Park or this department is the lead
    agency, the case should be kept under active investigation for as long as the person
    may still be alive. Exhaustion of leads in the investigation should not be a reason for
    closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all
    investigative leads have been exhausted, the lead agency has been notified and
    entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would
    have reached a certain age or adulthood or because the person is now the subject
    of a criminal or civil warrant.
Public Alerts

317.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY
Public alerts may be employed using the Emergency Alert System (EAS), TIP411, local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system’s individual criteria.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the Brooklyn Park Police Department should notify their supervisor, Patrol Lieutenant or Investigation Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the on call police administrator and the Public Information Officer when any public alert is generated.

The supervisor or PIO in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts
(b) Canceling alerts
(c) Ensuring all appropriate reports are completed
(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

317.4 AMBER ALERTS
America’s Missing: Broadcast Emergency Response (AMBER) Alert™ is the recruitment of public assistance to locate an abducted child via a widespread media alert. Utilizing the assistance of local radio, television and press affiliates, the public will be notified of the circumstances of a child’s abduction and how it can assist law enforcement in the child’s recovery. The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective
partnership between the community, the media and law enforcement through the Minnesota Crime Alert Network (Minn. Stat. § 299A.61 Subd. 1).

317.4.1 CRITERIA
Any non-familial case in which an individual is abducted and the public can assist will trigger the activation of either the AMBER Alert and/or the Minnesota Crime Alert Network (MCAN) to inform the public and request its assistance in locating the individual.

The criteria for issuance of an Amber Alert are as follows:

(a) A child 17 years of age or younger was abducted and there is reason to believe the victim is in imminent danger of serious bodily injury or death.

(b) There is information available to disseminate to the general public that could assist with the safe recovery of the victim and/or the apprehension of the suspect.

An AMBER Alert should not be requested if there is no information to distribute.

317.4.2 PROCEDURE
The supervisor shall review the AMBER Alert checklist provided by the Bureau of Criminal Apprehension (BCA) to determine whether the abduction meets the AMBER Alert criteria.

As soon as possible, Support Services Division personnel shall enter the child’s name and other critical data into the National Crime Information Center (NCIC), with appropriate flags.

If the AMBER Alert criteria is met, the supervisor, Patrol Lieutenant or Investigation Unit supervisor will notify the Operations Center at the BCA. The BCA will determine whether an AMBER Alert will be issued and, if so, will activate the Minnesota Emergency Alert System (EAS) through the Minnesota Department of Public Safety (DPS) Division of Homeland Security and Emergency Management (HSEM).

BCA will manage press notifications through the EAS.

As additional information becomes available, the BCA shall be apprised and they will disseminate the information, as appropriate.

When the child is found, or the alert should be cancelled for other reasons, the Investigation Unit supervisor shall immediately notify BCA with the pertinent information.

317.5 MINNESOTA CRIME ALERT NETWORK
MCAN is a statewide communications network that enables law enforcement agencies to quickly alert the public (Minn. Stat. § 299A.61). In cases where the AMBER Alert criteria are not met, MCAN can be activated to notify the public and request information on the case. Law enforcement agencies, businesses, schools and community members participate in the network.
Public Alerts

317.5.1 CRITERIA
MCAN is available for disseminating information regarding the commission of crimes, including information on missing and endangered children or vulnerable adults, or attempts to reduce theft and other crime.

317.5.2 PROCEDURE
If a supervisor determines that a MCAN alert should be requested, the supervisor should contact the BCA Operations Center and provide the requested information.

The Public Information Officer should prepare a press release that includes all available information that might strengthen the assistance by the public or other law enforcement agencies. It should be updated with additional information as it becomes available and useful. All media releases should be coordinated with the BCA. In the event of a confirmed child abduction, whether or not an AMBER Alert or MCAN alert is activated, procedures designed to inform the media should be followed. Initial information to release may include, but is not limited to:

(a) The nature of the crime that has occurred.
(b) The victim’s identity, age and description, if relevant.
(c) Photograph if available.
(d) The suspect’s identity, age and description, if known.
(e) Pertinent vehicle description.
(f) Detail regarding location of incident, direction of travel and potential destinations, if known.
(g) Whether there is reason to believe the suspect has a relationship to the victim.
(h) Name and phone number of the Public Information Officer or other authorized individual to handle media liaison.
(i) A telephone number for the public to call with leads or information.

As additional information pertinent to the case becomes available, it shall be forwarded to the BCA.

317.6 BLUE ALERTS
Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state or federal law enforcement officer. (MSS 626.96)

317.6.1 CRITERIA
The following criteria should be utilized to determine if a request to activate a Blue Alert will be made:

(a) A law enforcement officer has been killed, seriously injured or is missing while in the line of duty under circumstances evidencing concern for the officer’s safety.
(b) The investigating law enforcement agency has determined that:
Public Alerts

1. The suspect poses a serious risk to the public or other law enforcement personnel.

2. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

(c) A description of the offender, the offender’s vehicle (including license plate or partial license plate) is available for broadcast.

317.6.2 PROCEDURE
The on-duty supervisor should ensure that contact is made with the Minnesota Bureau of Criminal Apprehension (BCA) to request activation of a Blue Alert. The on-duty supervisor should also ensure that any changes to information (e.g., vehicle information, broadcast area) are communicated to BCA in a timely manner.
Victim and Witness Assistance

318.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY
The Brooklyn Park Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Brooklyn Park Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON
The Chief of Police should appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Brooklyn Park Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 SPECIFIC VICTIM LIAISON DUTIES
The crime victim liaison shall assist the Minnesota Crime Victims Reparations Board in performing its duties and ensure that the Support Services Division forwards copies of requested reports to the board or other authorized organizations within 10 days of receipt, in compliance with the Records Maintenance and Release Policy. These reports include those maintained as confidential or not open to inspection under Minn. Stat. § 260B.171 or Minn. Stat. § 260C.171 (Minn. Stat. § 611A.66).

318.4 CRIME VICTIMS
Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

318.5 VICTIM INFORMATION
The Support Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
Victim and Witness Assistance

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime.

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U Visa and T Visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name, badge number, and any applicable case or incident number.

(j) Notices and information regarding the rights of crime victims, domestic abuse victims, and offender release as detailed in the following:
   1. Safe at Home address confidentiality program (Minn. Stat. § 5B.03)
   2. Offender release notification (Minn. Stat. § 244.052; Minn. Stat. § 244.053; Minn. Stat. § 611A.06; Minn. Stat. § 629.73)
   3. Tenancy issues (Minn. Stat. § 504B.205; Minn. Stat. § 504B.206)
   4. Victim and specific domestic violence victim information/Minnesota CHOICE (Minn. Stat. § 611A.02 et seq.; Minn. Stat. § 629.341; Minn. Stat. § 629.72)

(k) A notice that a decision to arrest is the officer's and the decision to prosecute lies with the prosecutor, even when a victim requests no arrest or prosecution.

(l) Contact information for the Office of Justice Programs and the Emergency Fund and Crime Victims Reparations.

318.6 WITNESSES
Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.
Hate or Prejudice Crimes

319.1 PURPOSE AND SCOPE
The Brooklyn Park Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 FEDERAL JURISDICTION
The federal government also has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

319.2 DEFINITIONS
Hate or Prejudice Crime - Conduct that would constitute a crime and was committed because of the victim’s or another’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (see generally Minn. Stat. § 611A.79, Subd. 1).

319.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES
While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups relating to hate crime laws.

319.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES
Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.
Hate or Prejudice Crimes

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as “Hate or Prejudice Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers will provide the victims of any suspected hate or prejudice crime with the brochure on hate and prejudice crimes authorized by the Department. Such brochures will also be available to members of the public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts, prosecuting attorney or City Attorney.

319.5 HUMAN RIGHTS COMMISSION

(a) The primary officer or supervisor should offer the services of the Human Rights Commission and/or the on-call Chaplin to victims.

(b) In the circumstances of a critical incident involving a hate crime the Human Rights Commission may be called upon to help the community respond and heal from such an event.

319.6 INVESTIGATION UNIT RESPONSIBILITIES

If a case is assigned to the Investigation Unit, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

(a) Coordinating further investigation with the prosecuting attorney and other appropriate law enforcement agencies, as appropriate.

(b) Maintaining contact with the victim(s) and other involved individuals as needed.
Hate or Prejudice Crimes

319.6.1 STATE HATE CRIME REPORTING
This department shall report hate or prejudice crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Support Services Manager or assigned to the Investigation Unit (Minn. Stat. § 626.5531, Subd. 2).

Reports are required to include (Minn. Stat. 626.5531, Subd. 1):

(a) The date of the offense.
(b) The location of the offense.
(c) Whether the target of the incident was a person, private property or public property.
(d) The crime committed.
(e) The type of bias and information about the offender and the victim that is relevant to that bias.
(f) Any organized group involved in the incident.
(g) The disposition of the case.
(h) Whether the determination that the offense was motivated by bias was based on the officer's reasonable belief or on the victim's allegation.
(i) Any additional information the superintendent deems necessary for the acquisition of accurate and relevant data.

319.6.2 FEDERAL HATE CRIME REPORTING
The Support Services Manager should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Support Services Division procedures and in compliance with (28 USC § 534 (a)).

319.7 TRAINING
All members of this department will receive training on hate and prejudice crime recognition and investigation and will attend periodic training that incorporates a hate and prejudice crime training component (Minn. Stat. § 626.8451, Subd. 1 and Subd. 4).
Standards of Conduct

320.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the Brooklyn Park Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member’s supervisors.

320.1.1 STANDARDS OF CONDUCT
The Brooklyn Park Police Department adopts the Professional Conduct of Peace Officers model policy established and published by the Minnesota Board of Peace Officer Standards and Training Board (POST) (Minn. Stat. § 626.8457). This model policy applies to all peace officers of this department.

See attachment: MN POST Professional Conduct of Peace Officers Model Policy.pdf

The provisions of this policy are in addition to collective bargaining agreements or any other applicable law (see generally Minn. R. 6700.1500).

This policy shall apply to all members of this Department including volunteer, part-time and auxiliary employees.

The Department shall report annually to POST any data regarding the investigation and disposition of cases involving alleged misconduct of officers (Minn. Stat. § 626.8457, Subd. 3).

320.2 POLICY
The continued employment or appointment of every member of the Brooklyn Park Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS
Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS
Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.
Standards of Conduct

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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

320.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS
Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Minnesota Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

A police officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely. An officer’s conduct is closely scrutinized, and when his/her actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an officer or civilian employee, on or off duty, may reflect directly upon
Standards of Conduct

the department, an officer must at all times conduct himself/herself in a manner which does not bring discredit to himself/herself, the department, the City or the law enforcement profession.

The public demands that the integrity of its law enforcement officers be above reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion upon the entire department. Succumbing to even minor temptation can be the genesis of a malignancy which may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others. An officer must scrupulously avoid any conduct which might compromise their integrity or the integrity of fellow officers or the department.

320.5 CAUSES FOR DISCIPLINE
The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS
(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
(b) Disobedience of any legal directive or order issued by any department member of a higher rank.
(c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS
(a) Using or disclosing one’s status as a member of the Brooklyn Park Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity. (etc. attempting to avoid an arrest or citation)
(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties
(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
(e) Offer or acceptance of a bribe or gratuity.
(f) Misappropriation or misuse of public funds, property, personnel or services.

320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM
Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification
protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member’s position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Brooklyn Park Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.
Standards of Conduct

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
Standards of Conduct

2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
   (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
   (i) Officers in uniform shall not shop unless directly connected with police activity.
   (j) Any act on- or off-duty that brings discredit to this department.

320.5.9 CONDUCT
   (a) Failure of any member to promptly and fully report activities on his/her part where such activities resulted in contact with any other law enforcement agency that may result in a criminal inquiry or criminal prosecution. This includes while on or off duty.
   (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
   (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
   (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
   (e) Engaging in horseplay that reasonably could result in injury or property damage.
   (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
   (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
   (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s standing, credibility or integrity with this department.
   (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
   (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
   (k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.
   (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
   (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.
Standards of Conduct

(n) When acting in an official capacity, members of the police department shall give their name and badge number to any person who requests it.

(o) Conduct Toward the Public - Members shall be courteous and orderly in their dealings with the public. They shall perform their duties avoiding harsh, violent, profane or insolent language and remain professional regardless of provocation to do otherwise.

(p) Sleeping on Duty - Members shall not sleep on duty.

(q) Responding to Calls - Members of the department shall respond without delay to all calls for police assistance. All calls shall be answered as soon as possible consistent with normal safety precautions and vehicle traffic laws.

(r) Citizens in Police Cars - No person will be allowed to ride in departmental vehicles unless it is in the course of law enforcement work, or other circumstances specifically approved by a supervisor or Chief of Police.

(s) Divulging Official Business - All members shall treat the business of the department as confidential. They shall give such information only to those authorized to receive it. Contents of any criminal record or report filed with the department shall not be released to any person or entity other than during the process of an investigation, to other law enforcement officers, or under due process of law except as directed by a supervisor. A member is not to obtain information from other agencies or Law enforcement information sources to be used for personal use or gain.

(t) Criminal Negotiations - Members shall not give directly or indirectly, any information which might assist persons guilty or suspected of criminal acts to escape arrest, punishment, or which may enable them to dispose of, or secrete evidence of unlawful activity. Members other than investigating officer(s), shall not take part either directly or indirectly, in negotiating any compromise or other arrangement between any criminal(s) and/or person(s) with the intent to permit such criminal to escape the penalty of law and/or due process; If a member has information that such conduct is occurring on the part of any other member, the information shall be given to a sworn supervisor or the Chief of Police.

(u) Refusal to Work - An officer’s commitment to public service, the law, and professional ethics precludes his/her engaging in strikes or similar activities. Police officers do not have the right to strike or to engage in any work stoppage or slowdown. It is the policy of this department to discipline and/or terminate any employee who plans or engages in any strike, work stoppage, or slowdown.

(v) Conflict of Interest. A conflict of interest may occur whenever department members are required to make decisions or take actions in the line of duty that will or may impact their personal financial situations, their business, or investment interests, their family or personal relationships, or any personal litigation or civil actions in which they are involved as a private citizen. Absent the need for emergency police service, members should refer any possible conflict of interest situation to other qualified members. If in an emergency, a member is required to handle a matter involving a potential conflict of interest, the member shall notify a supervisor as soon as possible. The supervisor shall review the potential for conflict and assign any follow up work to another qualified member.
(w) Attention to Duty. All members are charged with being attentive to their duties and responsibilities. Attention to duty is defined as the diligent, faithful, and timely fulfillment of the member’s job duties while being cognizant and responsive to the safety concerns and deadlines inherent in our work.

320.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver’s license, first aid).

(c) Failure to maintain physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable.

320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment and with specific approval from a supervisor. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Information Technology Use

321.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS
Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Brooklyn Park Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 INSPECTION OR REVIEW
A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

321.3 PROTECTION OF AGENCY SYSTEMS AND FILES
All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.
Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.4 RESTRICTED USE
Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Patrol Lieutenants.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE
Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.
321.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE
Internet access provided by or through the Department shall be limited to work related activity. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail and data files. On mobile devices any applications (apps) shall be approved by a supervisor prior to being downloaded to ensure they are related to the official duties of that employee.

321.4.4 OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.
321.6 POLICY
It is the policy of the Brooklyn Park Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.
Report Preparation

322.1 PURPOSE AND SCOPE
Report preparation is a major part of each employee’s job. The purpose of reports is to document sufficient information to refresh the employee’s memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

322.1.1 REPORT PREPARATION
Employees should ensure that their reports are sufficient for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident nor shall any employee make a false report orally or in writing. Generally, the reporting employee’s opinions should not be included in reports unless specifically identified as such.

322.2 RESPONSIBILITY TO COORDINATE INITIAL REPORT AND SUPPLEMENTAL REPORTS
The writer of any initial crime or incident report that will have supplemental reports prepared by other employees concurrently with the preparation of the initial report is responsible for providing an overview of the entire incident that makes reference to the supplemental reports, what the supplemental reports will contain, and who will be writing the supplemental reports. In other words, each initial report should clearly outline the entire event, provide the detailed information best prepared by the employee writing the initial report, and provide direction to the reader as to where (in which attached supplemental) the remaining detailed information can be found.

322.3 REQUIRED REPORTING
Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

See Report Writing SOP 322
322.3.1 CRIMINAL ACTIVITY
When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a full report includes:

(a) All arrests
(b) All crimes
(c) All ordinances violations
(d) Situations covered by separate policy. These include:
   (a) Use of Force Policy
   (b) Domestic Abuse Policy
   (c) Child Abuse Policy
   (d) Adult Abuse Policy
   (e) Hate or Prejudice Crimes Policy
   (f) Mental Health / Detox Holds
   (g) Missing Person or Runaway
   (h) Death Investigation
   (i) Search Warrant or incident involving a search of a protected area or forced entry

322.3.2 NON-CRIMINAL ACTIVITY
All non-crime incidents that officers or cadets respond to will be documented using a CAD report unless specified in the SOP. If an officer or cadet believes a full report is needed to properly document an incident, a full report can be done.

322.3.3 DEATH REPORTS
Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

322.3.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

322.3.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of a drug overdose.
(b) Attempted suicide.
(c) The injury is major or serious, whereas death could result.
Report Preparation

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

322.4 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

322.4.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Department consistency.

322.4.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

322.5 REPORT CORRECTIONS
Supervisors shall review arrest reports for content and accuracy. If a correction is necessary, the reviewing supervisor should counsel, train, direct, and/or discipline as appropriate. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

322.6 REPORT CHANGES OR ALTERATIONS
Reports that have been submitted to the Support Services Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reports that have not yet been submitted to the Support Services Division may be corrected or modified by the authoring employee.

322.7 ELECTRONIC SIGNATURES
The Brooklyn Park Police Department has established an electronic signature procedure for use by all employees of the Brooklyn Park Police Department. The Investigations Division Commander shall be responsible for maintaining the electronic signature system, for ensuring that each employee creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law.
• Employees may only use their electronic signature for official reports or other official communications.
• Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

322.8 FIREARM INJURY REPORTING FROM HEALTH PROFESSIONALS
Members receiving a report from a health professional of a bullet or gunshot wound, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall thoroughly investigate the facts surrounding the incident (Minn. Stat. § 626.52, Subd. 2; Minn. Stat. § 626.553, Subd. 1).

The Support Services Division shall ensure that the report received from the health professional is forwarded to the commissioner of the Department of Health (Minn. Stat. § 626.53, Subd. 2). If the injury resulted from a hunting incident, the Support Services Division shall ensure that the findings of the investigation are forwarded to the commissioner of the Department of Natural Resources using the form provided by the commissioner (Minn. Stat. § 626.553, Subd. 1).
Media Relations

323.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

323.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Patrol Lieutenants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

323.2.1 MEDIA REQUEST
Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

323.3 MEDIA ACCESS
Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should
Media Relations

be coordinated through the department Public Information Officer or other designated spokesperson.

(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

323.3.1 TEMPORARY FLIGHT RESTRICTIONS
Whenever the presence of media or other aircraft poses a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the patrol supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

323.3.2 PROVIDING ADVANCE INFORMATION
To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will provide a summary of significant law enforcement activities that shall be made available, upon request, to media representatives. This summary will consist of data classified as public and should generally contain the following information (Minn. Stat. § 13.82):

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants or juveniles) involved in crimes occurring
within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the person in question is a juvenile.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law (Minn. Stat. § 260B.171, Subd. 5).

At no time shall identifying information pertaining to a victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or a violation of Minn. Stat. § 617.246, Subd. 2 (Minn. Stat. § 13.82 Subd. 17 (b)).

At no time shall identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this department has determined that the identity of a juvenile witness reasonably requires protection (Minn. Stat. § 13.82, Subd. 17 (g)).

Information concerning incidents involving persons whose identities are classified as private data under Minn. Stat. § 13.82, Subd. 17, shall be restricted from disclosure in accordance with that statute. Further detail is available in the Records Maintenance and Release Policy.

Identifying information concerning deceased individuals should only be released to the media when the decedent’s identity has been verified and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the on duty supervisor. Such requests will generally be processed in accordance with the provisions of the Minnesota Data Practices Act (Minn. Stat. § 13.03).

323.4.1 STATE RESTRICTED INFORMATION
It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release Policy and the Personnel Records Policy). When in doubt, authorized and available legal counsel should be obtained.

323.4.2 FEDERAL RESTRICTED INFORMATION
Information protected by the National Driver Privacy Protection Act (18 USC 2721 (c)) as incorporated into Minn. Stat. § 171.12 Subd. 7 and Minn. Stat. § 168.346 Subd. 1, except as authorized or waived.
Mutual Aid and Outside Agency Assistance

324.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible, in accordance with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

The Department may, at the discretion of the Chief of Police, establish an agreement with another agency to (Minn. Stat. § 626.76 Subd. 1):

(a) Assist other peace officers in the line of their duty and within the course of their employment.
(b) Exchange Department peace officers with peace officers of another agency on a temporary basis.

324.1.1 ASSISTING OUTSIDE AGENCIES
Generally, calls for assistance from other agencies are received via radio transmission. Any such response to assist an outside agency will be considered for authorization by the on duty supervisor regardless of whether an agreement for reciprocal aid under Minn. Stat. § 626.76 Subd. 1 exists.

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Brooklyn Park Police Department personnel.

324.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES
If assistance is needed from another agency, the employee requesting assistance should, if practicable, first notify a supervisor of his/her intentions, except in those situations where the employee or another is in imminent danger and there is an immediate need for assistance. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.
324.2 MUTUAL AID
The City of Brooklyn Park has entered into a joint and cooperative agreement for the shared use of law enforcement personnel and equipment with all Hennepin County law enforcement agencies. Brooklyn Park Police Officers have full peace officer authority in the requesting jurisdiction when acting pursuant to a mutual aid request.

(a) Management of a mutual aid situation specifically remains under the control of the agency that requested the mutual aid.

(b) The responding Brooklyn Park Police Officers remain under the direction and control of the Brooklyn Park Police Department, with the understanding that we will coordinate our assistance and activities in the requesting jurisdiction with the requesting agency.

324.3 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID
The Minnesota Department of Health All-Hazards Response and Recovery Base Plan identifies on-scene command and control responsibilities when an incident occurs (http://www.health.state.mn.us/oep/plans/allhazardsbase.pdf). The Incident Commander is charged with making an immediate appraisal of the situation and its potential in compliance with mutual aid response guidelines. The All-Hazards Response and Recovery Base Plan base elements recommends that responders should:

- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Isolate incident and identify zones of activity.
- Contain the incident without risking exposure.
- Perform fire fighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Plan Manual.
- Seek additional appropriate resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Department should clarify if it is requesting assistance only or complete scene management.

Officers should contact the Minnesota Pollution Control Agency’s (MPCA) Emergency Response Team (ERT) Duty Officer to request assistance at hazardous material emergencies (800-422-0798 or 651-649-5451).
324.4 MANDATORY SHARING
Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation.

324.4.1 INITIATED ACTIVITY
Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Brooklyn Park Police Department shall notify his/her supervisor or the Patrol Lieutenant and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4.2 AGREEMENTS
The Department may, at the discretion of the Chief of Police, establish an agreement with another law enforcement agency to (Minn. Stat. § 626.76, Subd.1):

(a) Assist other peace officers in the line of their duty and within the course of their employment.

(b) Exchange department peace officers with peace officers of another agency on a temporary basis.
Registered Predatory Offender

325.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the Brooklyn Park Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

325.2 POLICY
It is the policy of the Brooklyn Park Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION
The Investigation Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

325.3.1 REGISTRATION PROCESS
When an offender arrives to register with this department, the assigned investigator should:

(a) Determine in what state the offense was committed.

(b) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA’s Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA’s secure website.

(c) If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.

(d) If the offender is already registered, complete a Change of Information Form (available on the BCA's secure website).
Registered Predatory Offender

(e) If the offender is not registered, complete a POR Form (available at BCA’s secure website).

(f) If the offender is from another state, contact the state (information for each state is listed on the BCA’s website) and request a copy of the offender’s original registration form, criminal complaint and sentencing documents.
   1. Documents obtained should be submitted to the BCA with a registration form.
   2. The BCA will determine if registration is required and inform the department and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

325.3.2 GUIDELINES AND FORMS
The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

325.3.3 NOTIFICATION TO REGISTRANTS
The registration process established by the Investigation Unit supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

325.4 MONITORING OF REGISTERED OFFENDERS
The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:
   (a) Confirm residence
   (b) Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.
   (c) Contact with a registrant’s parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Brooklyn Park Police Department personnel who have a need to know, including timely updates regarding new or relocated registrants.

325.5 DISSEMINATION OF PUBLIC INFORMATION
Members will not make a public notification advising the community of a particular registrant’s presence in the community without permission from the Chief of Police. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be
Registered Predatory Offender

made by the Chief of Police based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

The Support Services Manager shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

325.5.1 MANDATORY DISSEMINATION
The Department shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender’s status of a Level 1, 2, or 3.

The Department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving inpatient care shall be made by this department (Minn. Stat. § 244.052, Subd. 4c).

The Department shall provide an offender’s change of status to the entities and individuals who were initially notified if the Department becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

325.5.2 LEVEL 1 DISCLOSURE
Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Confidential Fact Sheet - For Law Enforcement Agency Use Only” or other DOC guidance):

(a) Mandatory disclosure:
   1. Victims who have requested disclosure
   2. Adult members of the offender's immediate household

(b) Discretionary disclosure:
   1. Other witnesses or victims
   2. Other law enforcement agencies

325.5.3 LEVEL 2 DISCLOSURE
Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (Minn. Stat. § 244.052, Subd. 4) (refer to DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2” or other DOC guidance):

(a) In addition to Level 1 disclosure, the Department may disclose data to:
   1. Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
2. Individuals likely to be victimized by the offender.
   (b) Discretionary notification must be based on the offender’s pattern of offending or victim preference as documented by the DOC or the Minnesota Department of Human Services (DHS).

325.5.4 LEVEL 3 DISCLOSURE
Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document “Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota” or other DOC guidance):
   (a) The Department shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.
   (b) The Department shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
   (c) A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the DOC.
   (d) The process of notification is determined by this department. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the department’s determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

325.5.5 HEALTH CARE FACILITY NOTIFICATION
Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility or home care provider in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the DOC documents, “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents” and “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents” or other DOC guidance):
   (a) Name and physical description of the offender
   (b) Offender’s conviction history, including the dates of conviction
   (c) Risk level assigned to the offender, if any
   (d) Profile of likely victims

325.5.6 SPECIALIZED NOTIFICATION
Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):
Registered Predatory Offender

(a) If this department learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Department must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this department whether to proceed with community notification in accordance with the level assigned by the other state.

(b) If the DOC determines that the governing law in the other state is not comparable, community notification by this department may be made consistent with that authorized for risk Level 2.

(c) If this department believes that a risk level assessment is needed, the Department may request an end-of-confinement review. The Department shall provide to the DOC the necessary documents required to assess a person for a risk level.

325.5.7 VICTIM NOTIFICATION
If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Department shall provide victims who have requested notification with data that is relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this department when there is a victim who has requested notification (refer to the DOC document “Victim Data Confidential for Law Enforcement Agency Use Only”).

It may be appropriate for members of the Department to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Department may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

325.5.8 HOMELESS NOTIFICATION PROCESS
If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Investigation Unit supervisor (Minn. Stat. § 243.166, Subd. 3a).

325.5.9 LIMITATIONS OF RELEASE OF DATA
Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).
325.6  DISCLOSURE TO LOCAL WELFARE AGENCY
Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Minn. Stat. § 626.556 (Minn. Stat. § 243.166).
Major Incident Notification

326.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

326.2 DEFINITIONS
Duty Officer - An Officer of the rank of Inspector (or a designated Lieutenant) and above who is designated on a rotational basis by the Chief of Police.

Shift Commander - On duty Lieutenant (or on-duty Sergeant if Lieutenant is unavailable).

Tip411 - A notification software that allows BPPD to send notifications to employees, command staff, administrative staff and citizens

Notification Protocol - A matrix of specific incidents, the appropriate notifications and the procedures for using Tip411

326.3 POLICY
The Brooklyn Park Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.4 CRITERIA FOR NOTIFICATION
Level I Notifications - Immediate: Shift Commanders shall immediately notify the Duty Officer who will in turn notify the Chief of Police of the following types of events: See Notification Protocol

(a) Motor vehicle accident with injuries involving a City vehicle
(b) Death investigation (unless obviously due to natural causes)
(c) Incidents attracting media interest
(d) Serious personnel problems
(e) Serious traffic accident (i.e., critical injuries, major traffic implications, road closing, etc)
(f) Serious aircraft or rail incidents
(g) Hazardous materials incident requiring notification of State Duty Officer
(h) Natural disasters or weather alerts when supplemental information is available
(i) Any act or event that could cause grievous embarrassment to the department or the City
(j) SWAT call-outs

Level II Notifications: Shift Commanders shall (as soon as practical) notify the Duty Officer of the following types of events. This can be done by email or using Tip411. See Notification Protocol
Major Incident Notification

(a) Long-term or multiple officer mutual-aid police calls (requested or provided)
(b) Major bias crime
(c) Serious crimes against person; i.e., armed robbery, criminal sexual conduct (unknown assailant), first degree assault, etc.
(d) Major multiple property crimes
(e) Minor staff injuries
(f) Crimes involving other City staff members or high profile community members
(g) Facility damage, repairs needed, or problems that affects service delivery which cannot be resolved by on-duty staff; i.e., floods
(h) Staff misconduct complaints or customer service complaints when on-duty supervisor is unable to resolve or when an investigation is required
(i) Other motor vehicle accidents (no injuries) involving City vehicles
(j) Motor vehicle chases
(k) All other deaths

City Council, City Manager & Neighborhood Notifications: The Shift Commander shall notify the City Council, City Manager and affected neighborhood, via Tip411 of the following types of events. See Notification Protocol

(a) Injury (requiring hospitalization) or death of a police employee
(b) Motor vehicle accident with injuries involving a City vehicle
(c) Death investigation other than suicide or natural causes
(d) Incidents attracting media interest
(e) Serious traffic accident (i.e., critical injuries, major traffic implications, road closing, etc.)
(f) Serious aircraft or rail incidents
(g) Lengthy or multiple officer mutual-aid police calls within or outside of Brooklyn Park
(h) Major bias crime
(i) Serious crimes against person; i.e., armed robbery, criminal sexual conduct (unknown assailant), first-degree assault, etc.
(j) Major multiple property crimes
(k) Motor vehicle chases

326.5 FIRE NOTIFICATION
In the following circumstances the Brooklyn Park Fire Department will send notifications:

(a) Hazardous materials incident requiring evacuation or notification of State Duty Officer
(b) All Structure fires.
326.6 SUPERVISOR RESPONSIBILITIES
The on duty supervisor is responsible for making the appropriate notifications. The supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The supervisor shall attempt to make the notifications as soon as practicable but no later than the end of the shift. Notification should be made by using the Notification Protocol.

The Shift Commander should provide a summary of the incident including law enforcement action. Care must be exercised to provide data that is public pursuant to Minnesota Data Practices statutes while at the same time ensuring there is an adequate explanation of the incident. Our goal is to keep the City Council, City Manager and affected neighborhood informed of what is occurring in our community without compromising any active criminal investigations. As a general rule, specific name information of anyone involved in the call should not be a part of the notification.

326.6.1 STAFF NOTIFICATION
In the event an incident occurs as identified in the criteria for level 1 notification, the Chief of Police shall be notified. Consideration should also be given to notify the affected Division Commander and the Investigation Unit Division Commander if that division is providing assistance.

326.6.2 DETECTIVE NOTIFICATION
If the incident requires that an officer or investigator respond from home, the on duty supervisor or their designee will make the notification using the on call list.

326.6.3 PUBLIC INFORMATION OFFICER (PIO)
The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.
Death Investigation

327.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations and the use of appropriate resources and evidence gathering techniques is critical.

327.2 INVESTIGATION CONSIDERATIONS
Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., rigor mortis, decapitated or decomposed). A supervisor shall be notified in all death investigations.

327.2.1 MEDICAL EXAMINER REQUEST
The Medical Examiner shall be called in all deaths. (Minn. Stat. § 390.11):

327.2.2 SEARCHING DEAD BODIES
The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a dead body (Minn. Stat. § 390.221).

An officer shall make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for information identifying the individual as an organ donor or as an individual who made a refusal. If a donor document is located, the Medical Examiner shall be promptly notified (Minn. Stat. § 525A.12).

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner.

The Medical Examiner is required to release property or articles to law enforcement that are necessary for conducting an investigation unless reasonable basis exists pursuant to Minn. Stat. § 390.225 Subd. 2 to not release the property or articles (Minn. Stat. § 390.221).

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Medical Examiner.

The name and address of this person shall be included in the narrative of the death report.

327.2.3 DEATH NOTIFICATION
When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested
Death Investigation

to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and the location of the deceased missing person’s remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained (Minn. Stat. § 390.25 Subd. 2 (b)).

This department shall immediately notify the state fire marshal or Brooklyn Park’s fire chief when a human death results from a fire, (Minn. Stat. § 299F.04 Subd. 5 (b)).

327.2.4 UNIDENTIFIED DEAD BODIES
If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a “John Doe” or “Jane Doe” number for the report.

327.2.5 UNIDENTIFIED BODIES DATA ENTRY
As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, any information or items pertaining to identifying features of the unidentified body, dental records, fingerprints, any unusual physical characteristics, description of clothing or personal belongings found on or with the body, that are in the possession of BPPD shall be forwarded to the Medical Examiner for transmission to the BCA for eventual entry into systems designed to assist in the identification process, such as the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) files (Minn. Stat. § 390.25 Subd. 2 (a)).

327.2.6 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented.

327.2.7 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officershall take steps to protect the scene and the on duty supervisor shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator of a homicide or suspicious-circumstances death may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests and provide a report with the costs borne by the Department (Minn. Stat. § 390.251).
Private Persons Arrests

329.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Minn. Stat. § 629.30 Subd. 2 (4).

329.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS
All officers shall advise civilians of the right to make a private person’s arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

(c) Private individuals shall be informed of the requirement to take the arrested person to a peace officer without unnecessary delay (Minn. Stat. § 629.39).

329.3 ARRESTS BY PRIVATE PERSONS
A private person may arrest another under the following circumstances (Minn. Stat. § 629.37):

(a) For a public offense committed or attempted in his/her presence.

(b) When the person arrested has committed a felony, although not in his/her presence.

(c) When a felony has been committed and he/she has reasonable cause for believing the person to be arrested committed the felony.

(d) When directed by a judge or a peace officer to arrest another person (Minn. Stat. § 629.403).

329.4 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person’s arrest is lawful, the officer should take no action to further detain or restrain
the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.

2. Release the individual upon a misdemeanor citation or pending formal charges.

329.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Citizen Arrest Form. If the person fails or refuses to do so the arrest subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the Citizen Arrest Form (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
Limited English Proficiency Services

330.1 PURPOSE AND SCOPE
Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000 d).

330.1.1 DEFINITIONS
Definitions related to this policy include:

**Authorized Interpreter** - Any Brooklyn Park Police Department employee who is bilingual and has successfully completed prescribed interpreter training and is authorized to act as an interpreter or translator.

**Bilingual** - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. Some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. A bilingual individual, depending on skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. To be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee’s language skills may be used.

**Interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English Proficient (LEP)** - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Person Disabled in Communication** - A person who cannot fully understand legal proceedings or charges involving him/her because of (Minn. Stat. § 611.31):

(a) A hearing, speech or other communication disorder.
(b) Difficulty in speaking or comprehending the English language.
Limited English Proficiency Services

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

330.2 TYPES OF LEP ASSISTANCE AVAILABLE
This department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

330.2.1 BILINGUAL PERSONNEL
Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established Department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other police agencies may assist. City personnel or any other individual utilized for interpretation must be a qualified interpreter as defined by Minnesota law in order to provide communications services when a person disabled in communications may be subject to arrest, interrogation or property seizure (Minn. Stat. § 611.32 Subd. 2).

330.2.2 WRITTEN FORMS AND GUIDELINES
This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to Department personnel and other appropriate individuals.

330.2.3 AUDIO RECORDINGS
The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.
Limited English Proficiency Services

330.2.4 TELEPHONE INTERPRETER SERVICES
The front counter will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist Department personnel in communicating with LEP individuals via official cellular telephones.

330.2.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION
Where competent bilingual Department personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring law enforcement agencies, university language and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended. Department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see Section V(3) of the USDOJ Final Guidance available at the USDOJ website, http://www.usdoj.gov).

330.3 TRAINING
In an effort to ensure that all personnel in public contact positions or who have contact with those in custody are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access Department-authorized, telephonic and in-person interpreters and other available resources.

330.4 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES
The following materials will be made available to employees to assist in providing access and service to LEP individuals:

(a) A list of Department bilingual employees (Interpretive Services), languages spoken and contact and shift information
(b) A list of Department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information. (Interpretive Services)
(c) The telephone number and access code of telephonic interpretation services. (Interpretive Services)
Court Appearance and Subpoenas

333.1 PURPOSE AND SCOPE
This policy establishes the guidelines for department members who must appear in court. It will allow the Brooklyn Park Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

333.2 POLICY
Brooklyn Park Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

333.3 SUBPOENAS
Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so (Minn. R. Civ. P. 45.02; Minn. R. Crim. P. 22.03).

A court notice from a prosecutor or other government attorney may be served by delivery to the member’s workstation or mail box. Members shall check for delivery of such documents during each shift worked.

333.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Brooklyn Park Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Brooklyn Park Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.
Court Appearance and Subpoenas

333.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, in accordance with any collective bargaining agreement.

333.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

333.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

333.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

When an officer is issued a court standby date, he/or she will be available during those hours listed on the given date and time. If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

If the Court standby is extended into the following day(s), it is the officer’s responsibility to get a written notice from the attorney or paralegal authorizing the continuance of the standby time. This notice must include the dates and times of the standby and their name/signature. This can be done via email.

Once the standby is completed, the officer will attach the court standby notice, along with any new correspondence advising the additional court standby that was authorized by the attorney or paralegal.

Employees will be compensated for standby in accordance with the current labor contract.

333.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
(b) Dress in the department uniform or business attire.
(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.
Court Appearance and Subpoenas

333.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

333.7 OVERTIME APPEARANCES
When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement.
Chaplains

334.1 PURPOSE AND SCOPE
This policy establishes the guidelines for Brooklyn Park Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

334.2 POLICY
The Brooklyn Park Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

334.3 ELIGIBILITY
Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs and excessive debt.
(b) Managing their households, families and personal affairs well.
(c) Having a good reputation in the community.
(d) Successful completion of an appropriate-level background investigation.
(e) A minimum of five years of successful counseling experience.
(f) Possession of a valid driver’s license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

334.4 RECRUITMENT, SELECTION AND APPOINTMENT
The Brooklyn Park Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

334.4.1 RECRUITMENT
Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.
334.4.2 SELECTION AND APPOINTMENT
Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.
(b) Include a recommendation from employers or volunteer programs.
(c) Interview with the chaplain coordinator and their designee.
(d) Successfully complete an appropriate-level background investigation.
(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

334.5 IDENTIFICATION AND UNIFORMS
As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Brooklyn Park Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Brooklyn Park Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this policy.

334.6 CHAPLAIN COORDINATOR
The Chief of Police shall delegate certain responsibilities to a chaplain coordinator.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee chaplains shall report to the chaplain coordinator and/or Patrol Lieutenant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.
Chaplains

(b) Conducting chaplain meetings.
(c) Establishing and maintaining a chaplain callout roster.
(d) Maintaining records for each chaplain.
(e) Tracking and evaluating the contribution of chaplains.
(f) Maintaining a record of chaplain schedules and work hours.
(g) Completing and disseminating, as appropriate, all necessary paperwork and information.
(h) Planning periodic recognition events.
(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

334.7 DUTIES AND RESPONSIBILITIES
Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Brooklyn Park Police Department.

334.7.1 COMPLIANCE
Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

334.7.2 OPERATIONAL GUIDELINES
(a) Chaplains will be scheduled to be on-call for a period
(b) Chaplains shall be permitted to ride with officers during any shift and observe Brooklyn Park Police Department operations, provided the shift supervisor has been notified and has approved the activity.
(c) Chaplains shall not be evaluators of members of the Department.
(d) In responding to incidents a chaplain shall never function as an officer.
(e) When responding to in-progress calls for service chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(f) Chaplains shall serve only within the jurisdiction of the Brooklyn Park Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

334.7.3 ASSISTING DEPARTMENT MEMBERS
The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and after notification responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

334.7.4 ASSISTING THE DEPARTMENT
The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Lieutenant or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if reasonably possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Upon request, to provide pastoral care to anyone being held in the detention area.

(f) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(g) Participating in in-service training classes.

(h) Willingness to train others to enhance the effectiveness of the Department.

334.7.5 ASSISTING THE COMMUNITY
The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.
Chaplains

(c) Providing liaison with various civic, business and religious organizations.
(d) Promptly facilitating requests for representatives or leaders of various denominations.
(e) Assisting the community in any other function as needed or requested.
(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

334.7.6 CHAPLAIN MEETINGS
All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

334.8 PRIVILEGED COMMUNICATIONS
No person who provides chaplain services to members of the Department may work or volunteer for the Brooklyn Park Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Brooklyn Park Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

334.9 TRAINING
The Department will establish a minimum number of training hours and standards for department chaplains. The training as approved by the training officer may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
Chaplains

- Sensitivity and diversity
Public Safety Video Surveillance System

335.1 PURPOSE AND SCOPE
This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image capturing devices used by the Department.

335.2 POLICY
The Brooklyn Park Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

335.3 RELEASE OF VIDEO IMAGES
All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Brooklyn Park Police Department and are classified as law enforcement data under Minn. Stat. § 13.82.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records under the Minnesota Government Data Practices Act. Except as required by a statute, court order or other lawful process consistent with the provisions of Minn. Stat. § 13.82, video images requested under the Minnesota Government Data Practices Act will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.

Requests for recorded images from other law enforcement agencies shall be referred to the supervisor for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

335.4 VIDEO SUPERVISION
Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.
Public Safety Video Surveillance System

335.4.1 VIDEO LOG
A log should be maintained recording all locations where video surveillance monitors are located.

335.4.2 PROHIBITED ACTIVITY
Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

335.5 STORAGE AND RETENTION OF MEDIA
All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

In general video not related to an investigation shall be destroyed after 30 days.

335.5.1 EVIDENTIARY INTEGRITY
All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

335.6 OPERATIONAL GUIDELINES
Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

335.6.1 PLACEMENT AND MONITORING
Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.
**Public Safety Video Surveillance System**

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.
(b) To target identified areas of gang and narcotics complaints or activity.
(c) To respond to critical incidents.
(d) To assist in identifying, apprehending and prosecuting offenders.
(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
(f) To augment resources in a cost-effective manner.
(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

**335.6.2 CAMERA MARKINGS**

All cameras monitoring public areas shall be marked in a way that they are identified as property of the Brooklyn Park Police Department.

**335.6.3 INTEGRATION WITH OTHER TECHNOLOGY**

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

**335.7 TRAINING**

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures,
Public Safety Video Surveillance System

including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.
Volunteer Program

338.1 PURPOSE AND SCOPE
It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

338.1.1 DEFINITION OF VOLUNTEER
An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

338.1.2 VOLUNTEER ELIGIBILITY
Requirements for participation as a Brooklyn Park Police Department volunteer include:

(a) At least 18 years of age for all positions other than Explorer.
(b) At least 14 years of age for Explorer.
(c) A valid driver’s license if the position requires vehicle operation.
(d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
(e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
(f) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
(g) The applicant must not have any mental illness or chemical dependency condition that may adversely affect the person’s ability to serve in the position.
(h) Physical requirements reasonably appropriate to the assignment.
(i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.
Volunteer Program

338.2 VOLUNTEER MANAGEMENT

338.2.1 VOLUNTEER COORDINATOR
The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.
(b) Maintaining records for each volunteer.
(c) Tracking and evaluating the contribution of volunteers.
(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
(e) Maintaining a record of volunteer schedules and work hours.
(f) Completion and dissemination as appropriate of all necessary paperwork and information.
(g) Planning periodic recognition events.
(h) Administering discipline when warranted.
(i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

338.2.2 RECRUITMENT
Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester’s immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

338.2.3 SCREENING
All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals, shall require submission of prints and clearance through the Bureau of Criminal Apprehension (BCA).
Volunteer Program

338.2.4 SELECTION AND PLACEMENT
Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and paperwork.

338.2.5 EMPLOYEES WORKING AS OFFICERS
Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a volunteer in such a way that it would violate employment laws or labor agreements (Example: a detention officer working as an officer for reduced or no pay). Therefore, the Coordinator should consult the Department of Human Resources prior to an employee serving in a volunteer capacity (29 CFR 553.30).

338.2.6 TRAINING
Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment.

Depending on the assignment, Training may include:

(a) Role of the volunteer.
(b) Department policies.
(c) Training specific to the procedure manual for the volunteer position.
(d) Discrimination and harassment training.
(e) CPR/first aid.
(f) CERT/Citizens Emergency Response Training.
(g) Search and rescue techniques.
(h) Scenario-based searching methods.
(i) Evidence preservation.
(j) Basic traffic direction and control.
(k) Roadway incursion safety.
(l) Self-defense techniques.
(m) Vehicle operations, including specialized vehicles.

Pursuant to Minn. Stat. § 626.8466, the Department may establish training, licensing and continuing education requirements for its reserve officers.
Volunteer Program

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer that they are licensed officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a licensed officer, it shall also apply to a volunteer unless by its nature it is inapplicable.

338.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license
(b) Medical condition
(c) Arrests
(d) Criminal investigations
(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

338.2.8 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

338.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.
Volunteer Program

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.
(b) Ensure volunteers have work space and necessary office supplies.
(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

338.4 DATA PRACTICES
With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

338.5 PROPERTY AND EQUIPMENT
Volunteers will be issued an identification card (excluding Explorers) that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

338.5.1 VEHICLE USE
Volunteers assigned to duties will attend the City mandated driving training.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.
338.5.2 RADIO AND MDC USAGE
Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

338.6 DISCIPLINARY PROCEDURES/TerMINATION
A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.
Off-Duty Law Enforcement Actions

340.1 PURPOSE AND SCOPE
The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Brooklyn Park Police Department with respect taking law enforcement action while off-duty.

340.2 POLICY
Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

340.3 FIREARMS
Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer’s senses or judgment.

340.4 DECISION TO INTERVENE
There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
(b) The inability to communicate with responding units.
(c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or a baton.
(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

340.4.1 INTERVENTION PROCEDURE
If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if reasonably possible.

Whenever reasonably practicable, the officer should loudly and repeatedly identify him/herself as a Brooklyn Park Police Department officer until acknowledged. Official identification should also be displayed.

340.4.2 INCIDENTS OF PERSONAL INTEREST
Officers should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

340.4.3 CIVILIAN RESPONSIBILITIES
Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and reasonably practicable.

340.5 REPORTING
Any officer, taking any off-duty law enforcement action, shall notify a Brooklyn Park Police Department supervisor (and other applicable enforcement authority if acting outside the jurisdiction of the Brooklyn Park Police Department). The supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.
Department Use of Social Media

341.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

341.1.1 DEFINITIONS
Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

341.2 POLICY
The Brooklyn Park Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

341.3 AUTHORIZED USERS
Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

341.4 AUTHORIZED CONTENT
Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.
Examples of appropriate content include:

(a) Announcements.
(b) Tips and information related to crime prevention.
(c) Investigative requests for information.
(d) Requests that ask the community to engage in projects that are relevant to the department mission.
(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
(f) Traffic information.
(g) Press releases.
(h) Recruitment of personnel.

341.4.1 INCIDENT-SPECIFIC USE
In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

341.5 PROHIBITED CONTENT
Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
(c) Any information that could compromise an ongoing investigation.
(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Brooklyn Park Police Department or its members.
(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
(f) Any content posted for personal use.
(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Department’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

341.5.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.
**Department Use of Social Media**

The Department may provide a method for members of the public to contact department members directly.
Fingerprinting of Persons Not Arrested

343.1 PURPOSE
The purpose of this regulation is to set forth guidelines governing the fingerprinting of persons who have not been arrested or who are not in the custody of the Brooklyn Park Police Department. Generally, this would mean persons who present themselves to the Brooklyn Park Police Department and request that their fingerprints be taken.

343.2 CRITERIA FOR FINGERPRINTING
(a) Residents of the City of Brooklyn Park or persons required by a Brooklyn Park business may request to have fingerprints taken by Brooklyn Park Police personnel for:
   (a) Any situations as required by federal, state or local statutes or ordinances
   (b) Employment applications.
(b) Persons requesting to be fingerprinted must provide:
   (a) Picture identification
   (b) Fingerprint cards from the agency requesting the fingerprints
   (c) Fingerprinting fees at time of service
(c) Non-residents may be fingerprinted for the purpose of obtaining a license issued by the City (i.e., vendor license, liquor license, etc.)

343.3 SCHEDULE FOR FINGERPRINTING
Fingerprinting will be completed by cadets or detention staff at the Brooklyn Park Police Department. This service will only occur on Tuesdays and Thursdays between the hours of 10am and noon. Fingerprinting will be performed based upon the availability of trained personnel. If trained personnel are not available, requesting person will be so informed.

343.4 PROCEDURES
Persons needing to be fingerprinted for employment and other general background items will be fingerprinted in the lobby vestibule.

Persons to be fingerprinted for criminal related items will be fingerprinted on the Printrak in the jail. Any security concerns or questions about how to process a particular persons prints should be directed to the on-duty supervisor prior to the person being brought into the jail area. Proper searching procedures will be followed prior to any person being brought into the detention center for fingerprinting.

(a) Front Counter Staff
   1. Verify their identity with picture identification, and check that they meet the above criteria to be fingerprinted.
**Fingerprinting of Persons Not Arrested**

2. Collect the appropriate fee, provide a receipt and contact a detention officer.

(b) Detention Staff

1. If service cannot be provided within a reasonable period of time, the on-duty supervisor will be notified. Fingerprinting with the department cards can be used if persons do not have their own.

**343.5 FEE FOR FINGERPRINTING**

The City Council establishes a reasonable fee for the service of fingerprinting which will be passed on to all persons requesting same. The standard set fee for fingerprinting is $10.00. This fee may be waived by the Chief of Police at his discretion for special circumstances.
Portable Radio Stakeout Alarm System/ Centurion Scout

344.1 PURPOSE
To establish guidelines and procedures for the use portable radio stakeout alarm systems.

344.2 APPLICATION
The primary use of portable radio stakeout alarm systems is to provide electronic alarm monitoring of areas which may be susceptible to criminal activity such as theft, burglary, and robbery. The installation of a portable radio stakeout alarm system eliminates the need for officers to be on site and provides for immediate notification, via radio, to on-duty personnel.

344.3 INSTALLATION
(a) The installation of the portable radio stakeout alarm system will be approved by a supervisor and coordinated by police personnel trained in its use.
(b) The police employee installing the alarm system will evaluate the proposed site in an effort to determine the best location for installation and the type and number of alarm switches to be utilized.
(c) Police personnel installing the alarm system are responsible for training the employee/resident in the use of the alarm system.
(d) The police employee will provide notification to be placed in patrol briefing regarding the details of the installation. The notification shall include the date, time, location of installation, nature of criminal activity, type of alarm switches, key holder information, and any other information relevant to the investigation.
(e) Upon removal of the alarm system, the police employee responsible for the installation will ensure that the patrol division is notified and the notification is removed from the patrol briefing.

344.4 SELECTION OF INSTALLATION SITE
(a) The selection of installation sites will be based on the following criteria:
   (a) Nature of the criminal offense
   (b) Ability to secure and conceal the alarm system.
   (c) Likelihood of success in apprehension of criminal offenders
   (d) Cooperation of employee(s)/resident(s) at site of installation
(b) The business owner or resident will be required to sign a "Brooklyn Park Police Portable Radio Stakeout Alarm Agreement".
Portable Radio Stakeout Alarm System/Centurion Scout

(c) The business owner or resident will be given specific, written instructions regarding the usage of the the length of time for which the alarm system will be installed will be determined by the caseinvestigator or supervisor.

344.5 GENERAL USE

(a) The Centurion Scout portable radio stakeout system currently in use by the Department operates by means of a portable radio transmitter modulated by a pre-recorded message.

(b) When tripped by an intruder or victim, the alarm broadcasts a pre-recorded voice message directly to the patrol units on a dedicated channel. The message, after an alert tone, gives a voice report over the dedicated channel that a crime is in progress.

(c) The message will not contain the location or nature of the alarm in case the perpetrators are utilizing a police scanner. This information will be contained in the patrol briefing notification so it is essential that all officers are informed of the details at shift briefing.

(d) The message will be in the following format: "(ALERT TONE) ATTENTION BROOKLYN PARK POLICE AND FIRE. CHECK CENTURION SCOUT STATION ONE."

(e) The message will repeat until the portable radio is turned off or the device is disarmed.

(f) In the event that additional alarm systems are acquired in the future, the alarm message may be modified to provide for installations at different locations.

344.6 ALARM RESPONSE

Officers who are responding to a Centurion Scout alarm should utilize appropriate alarm response procedures.

(a) False Alarms

1. In the event of a false alarm due to employee/resident error, the officer should leave written notification to the assigned officer for follow-up to ensure retraining of the employee/resident.

2. In the event of a false alarm and the officer is unable to determine the cause, written notification should be left for the case officer to follow-up.

3. If the employees/residents are unable to utilize the alarm system properly by following the instructions provided to them, the case officer may remove the alarm system immediately.

(b) True Alarms

1. If the perpetrator(s) are apprehended, the alarm unit may be retrieved by the responding officers and returned to the Police Department.

2. If the perpetrator(s) are not apprehended and the location is not secured, the alarm system should be retrieved and returned to the Police Department.
3. If the perpetrator(s) are not caught and the location is secure, the alarm shall be left on site and should be reset. If the responding officers are unable to reset the alarm, written notification should be left for the case officer to follow-up.
Terrorism Preparedness/Threat Level Response

345.1 PURPOSE
To provide guidelines for proactive, local terrorism security measures to protect City-owned property and ensure alertness to the risk of terrorism in response to federally issued Homeland Security threat level advisory system.

345.2 DEFINITIONS
(a) Green or Low Threat Level: A federal assessment that the risk of terrorist attack is low.
(b) Blue or Guarded Threat Level: A federal assessment of a general risk of terrorist attacks.
(c) Yellow or Elevated Threat Level: A federal assessment that the risk of terrorist attack is significant.
(d) Orange or High Threat Level: A federal assessment that the risk of terrorist attack is high.
(e) Red or Severe Risk Level: The highest federal assessment of risk. Considered to be a severe risk of terrorist attack.

345.3 POLICE DEPARTMENT RESPONSE
(a) General Alertness. All members are responsible for maintaining alertness and attention to potential terrorist activity.
   1. Any calls involving suspicious behavior shall receive a high priority and be fully investigated. Members will promptly notify the on-duty patrol supervisors of the outcome of these calls.
   2. Any teletype (NLETS) or other government message regarding terrorism will be immediately forwarded to the on-duty supervisor who is to personally notify the on-call command staff of any pertinent information.
   3. Members are responsible for familiarizing themselves with the Brooklyn Park Emergency Operations Plan in order to fully understand their role if the plan is implemented by the Emergency Preparedness Director.

(b) Reporting in the Event of a Confirmed Terrorist Attack. Members should be prepared to respond as follows:
   1. In the event of a confirmed terrorist attack within Minnesota, all Echelon One personnel shall respond.
   2. The Department will attempt to make notifications by pager and phone, but you should independently evaluate the severity of the situation and use appropriate judgment.

(c) Threats Specific to Brooklyn Park or the Surrounding Area. In the event the Department is notified of specific terrorist threats in or around Brooklyn Park, the on-
duty supervisor will be immediately notified, and the supervisor will in turn make an immediate Level One administration notification. The on-call administrator will immediately notify the full command staff. An action plan will be promptly established and followed, based on the nature of the threat information received.

(d) **Non-Specific Threat Information.** In the absence of specific threat information related to Brooklyn Park or the surrounding area, the following steps will be taken in response to Homeland Security Advisory System Threat Level Declarations:

1. **Green or Low Threat Level.** When the Homeland Security Advisory System has declared a Green or Low Threat Level: Members will maintain a state of general alertness to potential terrorist activity as described in section A.

2. **Blue or Guarded Threat Level.** When the Homeland Security Advisory System has declared a Blue or Guarded Threat Level: Members will maintain a state of general alertness to potential terrorist activity as described in section A.

3. **Yellow or Elevated Threat Level.** When the Homeland Security Advisory System has declared a Yellow or Elevated Threat Level:
   (a) Members will maintain a state of general alertness to potential terrorist activity as described in section A.
   (b) Patrol officers will be attentive to potential terrorist targets and spot check major City and government facilities.
   (c) Members will promptly report any unusual occurrence, suspicious circumstance, or unusual criminal trend to their immediate supervisor. The immediate supervisor should assess the information and make staff notifications as warranted.

4. **Orange or High Threat Level.** When the Homeland Security Advisory System has declared an Orange or High Threat Level:
   (a) Members will maintain heightened vigilance and alertness and immediately report anything unusual to their supervisors. The immediate supervisor should assess the information and make staff notifications as warranted.
   (b) Patrol officers shall conduct security checks randomly several times during a shift and at intervals of no less than every six hours, logging their checks in CAD. Checks should be made at City and government facilities as shown on confidential patrol maps of such facilities, including:
      (a) all City water facilities
      (b) the National Guard Armory
      (c) all other City facilities such as City Hall, Community Activity Center, Fire Stations and Operations & Maintenance facilities
      (d) all public schools and colleges should also be checked.
(c) Any teletype (NLETS) or other message regarding terrorism will be immediately forwarded to the on-duty supervisor who is to immediately notify the Police Chief of any pertinent information.

(e) **Red or Severe Threat Level.** When the Homeland Security Advisory System has declared a Red or Severe Threat Level:

1. All members will maintain the highest levels of vigilance and alertness, immediately reporting anything suspicious or unusual.

2. Patrol officers shall conduct the security checks as outlined under the Orange or High Threat Level as described in section D-4 at more frequent random intervals, no less than every three hours, logging their checks in CAD.

3. Patrol Officers should add security checks at any other locations in the City that are identified as high risk targets as determined by the nature and details of the threat information received.
Radio Use

346.1 PURPOSE
The Brooklyn Park Police Department is dispatched by the Hennepin County Sheriff’s Office. The service provided by Hennepin County is in part regulated by an User Advisory Board (AUB) that a Brooklyn Park Police administrator will be part of.

346.2 RADIO USE
The Hennepin County Sheriff’s Office will also have a Standard Operating Procedure (SOP) board that creates guidelines for radio usage. The Brooklyn Park Police Department will appoint a supervisor to serve on this board.

The SOP group will create a manual that will be followed by all Brooklyn Park members who use the radio system.

See: Hennepin County Dispatch Standard Operating Procedures
Community Relations

347.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for community relationship-building. Additional guidance on community relations and outreach is provided in other policies.

347.2 POLICY
It is the policy of the Brooklyn Park Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

347.3 SOLICITATION AND CONTRIBUTION OF FUNDS/SUPPORT
By resolution, the City of Brooklyn Park is authorized to solicit contributions for the purpose of supporting community events that are intended to foster a positive relationship between law enforcement and the community. (MSS 471.198)

Solicitation and contributions for support shall be evaluated by the Chief of Police or an authorized designee prior to approval.

Any contributions received in monetary form will be forwarded to the Chief of Police or an authorized designee. Non-monetary contributions will be recorded and detailed to the Chief of Police or authorized designee, to include the estimated dollar value of the item(s).

347.4 MEMBER RESPONSIBILITIES
Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships
(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
(c) Work with community members and the department Community Engagement Officer to identify issues and solve problems related to community relations and public safety.
(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol.
347.5 COMMUNITY ENGAGEMENT OFFICER
The Chief of Police or the authorized designee should designate a member of the Department to serve as the Community Engagement Officer. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

(a) Obtaining department-approved training related to his/her responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Periodically organizing surveys to measure the condition of the department’s relationship with the community.

(d) Working with community groups, department members and other community resources to:
   1. Identify and solve public safety problems within the community.
   2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with patrol supervisors to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Assisting with the department’s response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(h) Informing the Chief of Police and others of developments and needs related to the furtherance of the department’s community relations goals, as appropriate.

347.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS
The community engagement officer should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., cops n’ kids fishing, baseball, basketball, soccer, bowling).

(b) Multi-cultural Advisory Committee (MAC)

(c) Police-community get-togethers (e.g., cookouts, meals, charity events).

(d) Youth leadership and life skills mentoring.

(e) School resource officer/Drug Abuse Resistance Education (D.A.R.E®) programs.

(f) Neighborhood Watch and crime prevention programs.
Community Relations

347.7 INFORMATION SHARING
The community engagement officer should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.
(b) Social media (see the Department Use of Social Media Policy).
(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

347.8 LAW ENFORCEMENT OPERATIONS EDUCATION
The community engagement officer should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.
(b) Department website postings.
(c) Instruction in schools.
(d) Department ride-alongs (see the Ride-Along Policy).
(e) Scenario/Simulation exercises with community member participation.
(f) Youth internships at the Department.
(g) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

347.9 SAFETY AND OTHER CONSIDERATIONS
Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.
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Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

347.10  JOINT COMMUNITY POLICE PARTNERSHIP (JCPP)
Through a Professional Service Agreement, the City of Brooklyn Park works collaboratively with Hennepin County and the JCPP to enhance relationships between police and the community, specifically with immigrants, people of color, indigenous people and faith communities. The joint mission is to enhance communication and trust that will ultimately improve the community’s safety and livability.

The main elements of the JCPP include:

(a) A Community Liaison who works in the department
(b) The creation of multicultural-oriented Cadet and Community Service Officer Positions
(c) Community programs and trainings
(d) Multicultural Advisory Committee (MAC).

The MAC includes a group of volunteers consisting of community members, community leaders and other community stakeholders (e.g. representatives from schools, churches, businesses, social service organizations). The makeup of the MAC reflects the community’s demographics as much as possible.

The committee convenes regularly to:

(a) To provide a public forum for gathering information about public safety concerns in the community.
(b) To work with the Department to develop strategies to resolve public safety concerns and at the request of the Chief of Police.

The Chief of Police may ask for the MAC to be involved in:

(a) The evaluation and development of departmental policies and procedures.
(b) To participate on promotional / hiring panels.
(c) To provide training and guidance in addressing other issues that may impact at the community or the departmental level.

347.11  TRANSPARENCY
The Department should periodically present statistical data and analysis regarding the department’s operations. The reports should not contain the names of officers, suspects or case numbers. The community engagement officer should work with the Multi-cultural Advisory Committee (MAC) to identify information that may increase transparency regarding department operations.

347.12  TRAINING
Subject to available resources, members should receive training related to this policy, including training on topics such as:
Community Relations

(a) Effective social interaction and communication skills.
(b) Cultural, racial and ethnic diversity and relations.
(c) Building community partnerships.
(d) Community policing and problem-solving principles.
(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

347.12.1 STATE-MANDATED TRAINING
The training officer is responsible for ensuring that members receive community policing as required by Minn. Stat. § 626.8455.
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION
Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Brooklyn Park, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, when authorized or empowered by agreement or statute, federal laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
(b) Calls for service, both routine and emergency.
(c) Investigation of crimes
(d) The apprehension of criminal offenders.
(e) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
(f) The sharing of information between the Patrol and other division within the Department, as well as other government agencies.
(g) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
(h) Traffic direction and control.

400.1.2 TERRORISM
It is the goal of the Brooklyn Park Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report. The supervisor should ensure that all terrorism-related reports are forwarded to the Investigation Unit Supervisor in a timely fashion.
400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various divisions of the Brooklyn Park Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit will be the central unit for information exchange. Criminal information and reports can be submitted to Sharepoint for distribution to all employees.

400.2.2 CRIME REPORTS

A crime report will be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits. In general the platform used for presenting and storage of this information is Sharepoints electronic bulletin board.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.
Racial/Bias Based Profiling

401.1 PURPOSE AND SCOPE
The State of Minnesota finds that the reality or public perception of racial profiling alienates people from law enforcement, hinders community policing efforts and causes law enforcement to lose credibility and trust among its citizens.

The Brooklyn Park Police Department strives to provide law enforcement to our community with due regard to the racial, cultural or other inherent differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group (Minn. Stat. § 626.8471 Subd 4).

401.2 DEFINITION
Racial/Bias Profiling - Any action initiated by law enforcement that relies on the race, ethnicity or national origin of an individual rather than the behavior of that individual, or information reliant upon the same criteria, that leads to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial/bias profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial/bias profiling does not include use of race or ethnicity to determine whether a person matches a specific description of a particular subject. (Minn. Stat. § 626.8471 Subd. 2).

401.2.1 IMPROPER CONDUCT
Race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be utilized as the basis for providing differing levels of law enforcement service or the enforcement of the law (Minn. Stat. § 626.8471 Subd. 3).

Officers may take into account the descriptors delineated above of a specific suspect(s) based on information that links specific, suspected, unlawful or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use specific information regarding age, height, weight, etc. about specific suspects.

401.3 POLICY
The practice of racial/bias based profiling is illegal and will not be tolerated by this department.

(a) It is the responsibility of every member of this department to prevent, report and respond appropriately to clear discriminatory or biased practices.

(b) No retaliatory or punitive action may be taken against any officer who discloses information concerning racial profiling.
(c) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

1. To the extent that written documentation would otherwise be completed (e.g., arrest report, FI card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.

2. Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.

3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

(d) When requested, each employee has a duty to give his/her name, badge number and identify this department during routine stops and contacts (Minn. Stat. § 626.8471 Subd. 3).

(e) When requested, each employee should inform a member of the public of the process to file a misconduct complaint for racial profiling against a member of the Department and that racial profiling complaints may be made by calling the Attorney General's main toll-free telephone number (Minn. Stat. § 626.9514).

401.4 TRAINING

(a) All newly licensed peace officers hired by this agency shall initially receive a copy of this policy, and regularly thereafter, as designated by the Training Unit.

(b) All licensed members of this department will attend regular training on the subject of racial profiling designated by the Training Unit.

(c) Members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.

401.5 COMPLAINTS
The Brooklyn Park Police Department will investigate all complaints of alleged racial/bias based profiling against its members as any other complaint is investigated.

On the commencement of an investigation regarding a complaint in which a video or audio recording was made, the Department may provide a copy of the recording to the officer on written request.
Racial/Bias Based Profiling

401.5.1 CORRECTIVE ACTION
Employees found to be in violation of this policy are subject to discipline in accordance with this department's Conduct Policy and shall receive additional training and instruction by the Training Unit except when disciplinary action results in termination.

401.6 ADMINISTRATION
Periodically the Patrol Division Commander shall review the Department's efforts to prevent racial/bias based profiling and submit an overview, including public concerns, to the Chief of Police. This overview shall not contain any identifying information regarding any specific complaint, citizen or officers.
Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY
It is the policy of the Brooklyn Park Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.
(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
(d) Provide first aid to injured parties if it can be done safely.
(e) Evacuate the location safely as required or appropriate.
(f) Secure the inner perimeter.
(g) Protect items of apparent evidentiary value.
(h) Secure an outer perimeter.
(i) Identify potential witnesses.
(j) Start a chronological log noting critical times and personnel allowed access.
**402.5 SEARCHES**

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

**402.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

**402.6 EXECUTION OF HEALTH ORDERS**

Any licensed member of this department may assist in the enforcement of all directives of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Minn. Stat. § 144.4195, Subd. 2).
Tactical Response Unit (SWAT/CNT)

403.1 PURPOSE AND SCOPE
The Tactical Response Unit (TRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary.

403.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY
The Policy Manual sections pertaining to the Tactical Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

403.1.2 SWAT TEAM DEFINED
SWAT team - A designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

403.2 POLICY
It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control
(b) Containment
(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.
403.2.1 POLICY CONSIDERATIONS
A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team’s capabilities and limitations and should be reviewed annually by the SWAT commander or designee.

403.2.2 ORGANIZATIONAL PROCEDURES
This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.
(b) Team organization and function.
(c) Personnel selection and retention criteria.
(d) Training and required competencies.
(e) Procedures for activation and deployment.
(f) Command and control issues, including a clearly defined command structure.
(g) Multi-agency response.
(h) Out-of-jurisdiction response.
(i) Specialized functions and supporting resources.

403.2.3 OPERATIONAL PROCEDURES
This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to Tactical Response Unit members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
   1. All SWAT team members should have an understanding of operational planning.
   2. SWAT team training should consider planning for both spontaneous and planned events.
   3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
Tactical Response Unit (SWAT/CNT)

1. When reasonably possible, briefings should include the specialized units and supporting resources.
   (c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
   (d) A generic checklist to be worked through prior to initiating a tactical action, as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
   (e) The appropriate role for a trained negotiator.
   (f) A standard method of determining whether a warrant should be regarded as high risk.
   (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
   (h) Post-incident scene management including:
      1. Documentation of the incident.
      2. Transition to investigations and/or other units.
      3. Debriefing after every deployment of the SWAT team.
         (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs and reinforces sound risk management practices.
         (b) If deployment involves a critical incident as defined by policy, a debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
         (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
         (d) When appropriate, debriefing should include specialized units and resources.
   (i) Sound risk management analysis.
   (j) Standardization of equipment.

403.3 TRAINING NEEDS ASSESSMENT
The TRU and SWAT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.
403.3.1 INITIAL TRAINING
When feasible SWAT team operators and SWAT supervisors/team leaders should complete an approved Basic SWAT Course or its equivalent. SWAT team leaders and senior operators should complete a SWAT Team Leaders or Commander course.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

403.3.2 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a department-approved SWAT commander or tactical commander course or its equivalent.

403.3.3 SWAT ONGOING TRAINING
Training shall be coordinated by the SWAT commander. The Tactical Response Unit commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 90 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) If an officer can’t make a scheduled physical fitness test, they must schedule and take the test within the next 30 days. If they fail to take the test within 30 days, it will be recorded as a failed test.

If failure to take the test is based on a valid injury, as determined by the SWAT Commander, the team member will be given up to 90 days depending on the injury, to go through a rehabilitative process and pass the test. If 90 days is not enough a doctor’s report will be needed. A doctor’s clearance will also be needed to return. The SWAT Commander will set with the officer a reasonable date for the physical fitness test to be taken. If a doctors release to full duty can not be obtained within 6 months the officer may be dismissed from the Team.
(d) Quarterly each SWAT team member shall perform the mandatory SWAT handgun qualification course. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the SWAT commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Quarterly each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the SWAT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

403.3.4 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

403.3.5 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

403.3.6 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

403.4 UNIFORMS, EQUIPMENT AND FIREARMS

403.4.1 UNIFORMS
SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

403.4.2 EQUIPMENT
SWAT teams from this department should be adequately equipped to meet the specific mission(s) identified by the Department.

403.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources should be Department-issued or approved, including any modifications, additions or attachments.
403.4.4 OPERATIONAL READINESS INSPECTION
The SWAT commander shall appoint a Supervisor to perform an operational readiness inspection of all unit equipment at least quarterly. The results of the inspection will be forwarded to the Tactical Response Unit commander. The inspections will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

403.5 MANAGEMENT/SUPERVISION OF TACTICAL RESPONSE UNIT
The commander(s) of TRU, SWAT and CNT the shall be selected by the Chief of Police upon recommendation of Staff.

403.5.1 TEAM SUPERVISORS
The Crisis Negotiation Team and each SWAT team will be supervised by the commander, a sergeant or assigned team leader.

The team supervisors and/or team leaders shall be selected by the Chief of Police upon specific recommendation by Staff and the TRU, SWAT and CNT Commanders.

The following represent the supervisor responsibilities for the Tactical Response Unit.

(a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the CNT Commander.

(b) The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SWAT Commander.

403.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES
The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

403.6.1 SELECTION OF PERSONNEL
Interested licensed personnel, who are off probation, shall submit a memorandum of interest to the CNT Commander. The testing process will consist of a supervisor review, CNT team evaluation, personnel file review and an oral interview. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.
Tactical Response Unit (SWAT/CNT)

(d) Special skills, training or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

A list of successful applicants shall be submitted to the Chief of Police and staff by the TRU Commander for final approval.

403.6.2 TRAINING OF NEGOTIATORS
Those officers selected as members of the Crisis Negotiation Team should attend a department-approved Basic Negotiators Course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training session per quarter will be required to provide the opportunity for role playing and situational training that is necessary to maintain proper skills. This will be coordinated by the team supervisor. The CNT Commander will ensure that all individual and team training is documented and the records are sent to the training unit to be maintained.

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

403.7 SWAT TEAM ADMINISTRATIVE PROCEDURES
The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

403.7.1 SELECTION OF PERSONNEL
Upon a position opening, interested licensed personnel who are off probation shall submit an application via the City of Brooklyn Park's applicant tracking system, NEOGOV. The testing process will consist of an oral board, physical agility test, a SWAT basic handgun and long gun qualification course, supervisor review and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by past performance.
2. Demonstrated good judgment and understanding of the critical role of a SWAT member.
3. Special skills, training or appropriate education as it pertains to this assignment.
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the Tactical Response Unit Commander. The test shall include the categories of vertical jump, one minute sit-up, 300 meter run, one minute push-up and 1.5 mile run. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic handgun and long gun qualification course.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to the Chief of Police and staff by the Tactical Response Unit Commander for final approval.

403.7.2 TEAM EVALUATION
Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the SWAT Commander, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

403.8 OPERATIONAL GUIDELINES FOR THE TACTICAL RESPONSE UNIT
The following procedures serve as guidelines for the operational deployment of the Tactical Response Unit. Generally, the SWAT team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team, such as warrant service operations. This shall be at the discretion of the Commander.

403.8.1 ON-SCENE DETERMINATION
The supervisor in charge at the scene of a particular event will assess whether the Tactical Response Unit should respond.

403.8.2 APPROPRIATE SITUATIONS FOR USE OF THE TACTICAL RESPONSE UNIT
The following are examples of incidents that may result in the activation of the Tactical Response Unit:

(a) Barricaded suspects who refuse an order to surrender.
(b) Incidents where hostages have been taken.
(c) Cases of suicide threats.
403.8.3 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency must be approved by a supervisor. Deployment of the Brooklyn Park Police Department Tactical Response Unit to other agencies must be authorized by a Division Commander or on-call command staff member.

403.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS
The SWAT team, including relevant specialized units and supporting resources, should have working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Brooklyn Park Police Department SWAT team shall operate under the policies, procedures and command of the Brooklyn Park Police Department when working in a multi-agency situation.

403.8.5 MOBILIZATION OF THE TACTICAL RESPONSE UNIT
The on-scene supervisor shall make a request for the Tactical Response Unit to respond. The supervisor shall then notify the TRU Commander. If unavailable, a team supervisor shall be notified.

The supervisor should advise the SWAT and CNT Commander with as much of the following information as is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location and safe approach to the command post.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

403.8.6 PATROL UNIT RESPONSIBILITIES
While waiting for the Tactical Response Unit, field personnel should, if safe, practicable and if sufficient resources exist: 

(d) Arrests of dangerous persons.

(e) Civil Unrest

(f) Any situation where a TRU response could enhance the ability to preserve life, maintain social order and ensure the protection of property.
(a) Establish an inner and outer perimeter.
(b) Establish a command post outside of the inner perimeter.
(c) Establish an arrest/response team. The team’s actions may include:
   1. Securing any subject or suspect who may surrender.
   2. Taking action to mitigate a deadly threat or behavior.
(d) Evacuate any injured persons or citizens in the zone of danger.
(e) Attempt to establish preliminary communication with the suspect. Once the TRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
(f) Be prepared to brief the TRU Commander on the situation.
(g) Plan for and stage anticipated resources.

403.8.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of the Tactical Respose Unit, the Incident Commander shall brief the SWAT/CNT Commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the SWAT and CNT Commanders, whether to deploy the Tactical Response Unit. Once the Incident Commander authorizes deployment, the TRU Commander or SWAT Commander in his absence will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for SWAT and CNT. The Incident Commander and the TRU Commander or designee shall maintain communications at all times.

403.8.8 COMMUNICATION WITH TACTICAL RESPONSE UNIT PERSONNEL
All of those persons who are non Tactical Response Unit-personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with TRU personnel directly. All non-emergency communications shall be channeled through the Crisis Negotiation Team sergeant or designee.
Ride-Along Policy

404.1 PURPOSE AND SCOPE
The Ride-Along Program provides an opportunity for persons to experience the law enforcement function first hand. This policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

All ride along participants must fill out and sign the ride along request form. Background checks and photocopied IDs are not necessary for the following groups: City of Brooklyn Park employees, City Council members, Chaplain Corps members, sworn peace officers, and Hennepin County dispatchers. These groups must still fill out the ride along request form, but the rest of this policy does not apply to them.

Attachment: Ride Along Form

404.1.1 ELIGIBILITY
The Brooklyn Park Police Department Ride-Along Program may be offered to citizens on a case by case basis. When approving a ride along request the supervisor must consider the value of a ride along with the constraints and risks it inherently presents to the organization. In general being a law enforcement student is not enough to warrant a ride along. Employee family members are encouraged to conduct ride alongs.

Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

404.2 PROCEDURE TO REQUEST A RIDE-ALONG
Individual Shift Supervisors shall approve or reject all requests for participation in the program. Should an applicant be rejected for whatever reason, the Supervisor shall document his reason for rejection on the Ride Along Form.

Participants must sign a ride along Ride Along Form. The request must be approved by the officer taking the ride along and the on-duty supervisor.
Ride-Along Policy

Young citizens under the age of legal consent must have the waiver signed by a parent or legal guardian or spouse of legal age. The supervisor will then verify the waiver by telephone and note the time and date verified. No one under the age of 16 will be allowed to participate in the program.

The supervisor will have the authority to revoke an authorization at any time if the participant's conduct or attire is not in the best interests of the Department.

Supervisors who select members to participate in the program should consider that the police officer selected is in effect representing the Department and should select officers who are experienced and knowledgeable in police activities.

Supervisors will advise the officer participant to perform his duties in the same manner as if the citizen were not present.

404.2.1 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Patrol Lieutenant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.2.2 RIDE-ALONG CRIMINAL HISTORY CHECK
All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Minnesota Bureau of Criminal Apprehension Criminal History System check prior to approval (provided that the ride-along is not an employee of the Brooklyn Park Police Department).

404.3 OFFICER'S RESPONSIBILITIES
Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The police officer participant should not intentionally involve the citizen in a dangerous situation.
In routine calls, it is discretionary whether the adult rider should or should not accompany the officer into a complainant's home, but no one under the age of 18 will accompany an officer during a complainant's interview. The complainant shall be informed that the person accompanying the officer is a ride along. If the complainant objects to the presence of the ride along, the ride along shall wait outside of the complainant's home.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the supervisor.
404.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home or to the station if the ride-along interferes with the performance of the officer's duties.

(d) The officer may terminate the ride-along and return the observer to their home or to the station if the ride-along interferes with the performance of any officer's duties.

(e) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(f) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(g) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
Hazardous Material Response

405.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Minnesota law, the following represents the policy of this department.

405.1.1 HAZARDOUS MATERIAL DEFINED
Hazardous material - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid or contained gaseous form, which, because of its quantity, concentration, or chemical, physical or infectious characteristics may (Minn. Stat. § 116.06 Subd. 11):

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

405.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment absent proper training. A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material

(b) Notify the appropriate fire department.

(c) Provide first aid to injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(e) Contact the Minnesota Duty Officer (800-422-0798).

(f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area are established.
405.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee first report of injury form that shall be forwarded via chain of command to their Division Commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the paper work.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITIES
When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.
Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

It is the position of the Brooklyn Park Police that criminals who use hostages to effect their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostage and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise. The department does not have the ability to protect the safety of a hostage who is allowed to be removed from the presence of officers. The safety of hostages can be best assured by keeping them in the presence of officers and by preventing their removal by the suspect. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. However, officers should realize that exceptional situations could arise where considered judgement might dictate allowing removal of a hostage, such as where there is imminent and probable danger to a large group of persons.

Attachment: Special Incident Response Packet

406.1.1 DEFINITIONS
Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

406.2 POLICY
It is the policy of the Brooklyn Park Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

It shall be the policy of this department that demands for weapons or the exchange of police officers for the hostage are not negotiable. Such demands or suggestions will not be considered.
Hostage and Barricade Incidents

406.3 COMMUNICATION
When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.3.1 EMERGENCY COMMUNICATION
A supervisor with probable cause to believe that a person is being unlawfully confined may order a telephone company to cut, reroute, or divert telephone lines for the purpose of establishing and controlling communications with a suspect (Minn. Stat. § 609.774).

406.4 FIRST RESPONDER CONSIDERATION
First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor’s response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION
Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact/arrest team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
Hostage and Barricade Incidents

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

• Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

• Assign personnel to a contact/arrest team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

• Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

• Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

• Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
Hostage and Barricade Incidents

- Provide responding emergency personnel with a safe arrival route to the location.
- Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- Coordinate pursuit or surveillance vehicles and control of travel routes.
- Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITY

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT/CNT response if appropriate and apprising the SWAT/CNT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.
(b) Ensure the completion of necessary first responder responsibilities or assignments.
(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
(d) Establish a command post location as resources and circumstances permit.
(e) Designate assistants who can help with intelligence information and documentation of the incident.
(f) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
(g) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
Hostage and Barricade Incidents

(h) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(i) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(j) Debrief personnel and review documentation as appropriate.

(k) Issue public notification with the Tip411 system when appropriate.

Supervisors are also encouraged to follow the Special Incident Response Packet.

406.6 SWAT/CNT

It will be the Incident Commander’s decision, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for SWAT/CNT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.
Response to Bomb Calls

407.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Brooklyn Park Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY
It is the policy of the Brooklyn Park Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT
Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the patrol supervisor is immediately advised and informed of the details. This will enable the patrol supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 BROOKLYN PARK POLICE DEPARTMENT FACILITY
If the bomb threat is against the Brooklyn Park Police Department facility, the patrol supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Brooklyn Park Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the patrol supervisor deems appropriate.
Response to Bomb Calls

407.4.3 FEDERAL BUILDING OR PROPERTY
If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility’s security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY
When a member of this department receives notification of a bomb threat at a location in the City of Brooklyn Park, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.
(b) The nature of the threat.
(c) Whether the type and detonation time of the device is known.
(d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.
(e) Whether the individual is requesting police assistance at the facility.
(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
   1. No evacuation of personnel and no search for a device.
   2. Search for a device without evacuation of personnel.
   3. Evacuation of personnel without a search for a device.
   4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the patrol supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE
The patrol supervisor should be notified when police assistance is requested. The patrol supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the patrol supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.
Response to Bomb Calls

(b) The plan for assistance.
(c) Whether to evacuate and/or search the facility.
(d) Whether to involve facility staff in the search or evacuation of the building.
   1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
   2. The safety of all participants is the paramount concern.
(e) The need for additional resources, including:
   1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE
When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
   1. Two-way radios
   2. Cell phones
   3. Other personal communication devices
(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
(f) A safe access route should be provided for support personnel and equipment.
(g) Search the area for secondary devices as appropriate and based upon available resources.
(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
(i) Promptly relay available information to the incident commander including:
   1. The time of discovery.
Response to Bomb Calls

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS
When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS
Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

407.7.2 NOTIFICATIONS
When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- On call Command staff
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate
Response to Bomb Calls

407.7.3 CROWD CONTROL
Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

407.7.4 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The patrol supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.
Civil Commitments

408.1 PURPOSE AND SCOPE
This policy provides guidelines for when officers may place an individual in protective custody and request a 72-hour hold under the Minnesota Commitment and Treatment Act (Minn. Stat. § 253B.05).

408.2 POLICY
It is the policy of the Brooklyn Park Police Department to protect the public and individuals through legal and appropriate use of the 72-hour hold process.

408.3 AUTHORITY
An officer, having probable cause to believe that any individual because of mental illness, chemical dependency, or public intoxication is in danger of injuring him/herself or others if not immediately detained, may take, or cause to be taken, the individual to a treatment facility for a 72-hour evaluation (Minn. Stat. § 253B.05, Subd. 2).

The officer shall make written application for admission of the individual to a treatment facility. The application shall contain the officer’s reasons for and circumstances under which the individual was taken into custody. If danger to specific individuals is a basis for the requested emergency hold, the statement must include identifying information for those individuals to the extent reasonably practicable. The officer shall also provide the department contact information for purposes of receiving notice if the individual is released prior to the 72-hour admission or leaves the facility without consent. The facility shall make a copy of the statement available to the individual taken into custody (Minn. Stat. § 253B.05, Subd. 2).

408.3.1 TRANSPORTATION
Persons who are encountered and placed on a 72 hour hold will normally be taken into custody and sent via an ambulance to an appropriate treatment facility. In general, the transport will not be made in a departmental vehicle other than in the rare circumstances where no other alternative exist. This does not prohibit officers from transporting individuals to a detox center in a patrol car.

408.3.2 RESTRAINTS
If the officer reasonably believes the patient is violent or potentially violent or that restraints are otherwise appropriate, the officer may apply appropriate restraints to the person. If reasonably practicable, the officer should communicate with facility staff as to whether specific restraints, if available, should be used. If a patient is to be transferred from one facility to another and specific restraints are desired, the officer should permit their application by staff and may assist in physical control of the patient, if needed (Minn. Stat. § 253B.03 Subd. 1 (a)).
Civil Commitments

408.3.3 WRITTEN DOCUMENTATION
The officer will complete an application for admission and provide it to the staff member assigned to that patient. The officer will retain a copy of the application for the emergency admission form for inclusion in the case report.

Officers shall provide an application for admission in writing, including the circumstances under which the person's condition was called to the attention of the officer, the circumstances under which the person was taken into custody, and describing probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person may be informed that he/she may be liable in a criminal and/or civil action for intentionally giving a statement which he/she knew to be false.

If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information of those individuals to the extent practicable.

A copy of the statement shall be made available to the person taken into custody (Minn. Stat. § 253B.05 Subd. 2 (a)).

The officer shall also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

408.3.4 VOLUNTARY EVALUATION
If officers encounter an individual who may qualify for a 72-hour hold, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Arrange for transportation (normally an ambulance) for the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to the Minnesota Commitment and Treatment Act.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the application for a 72-hour hold, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

408.4 CONSIDERATIONS AND RESPONSIBILITIES
Any officer handling a call involving an individual who may qualify for a 72-hour hold should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual’s action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.
Civil Commitments

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

408.5 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for purposes of a 72-hour hold should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a 72-hour hold has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 72-hour hold.

(c) Facilitate the individual’s transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 72-hour hold.

In the supervisor’s judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

408.6 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a 72-hour hold, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.
Citation Releases

409.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of the Brooklyn Park Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

This policy also provides guidance on when a court orders that a person be released.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

409.2 POLICY
The Brooklyn Park Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

409.3 RELEASE
A suspected offender shall be released on issuance of a citation:

(a) When the offender has been arrested without a warrant and either a prosecutor or district court judge orders that the offender should be released (Minn. R. Crim. P. 4.02; Minn. R. Crim. P. 6.01).

1. Release is not required if a reviewing supervisor determines that the offender should be held pursuant to Minn. R. Crim. P. 6.01 Subd. 1.

(b) When the offender is charged with a petty or fine-only misdemeanor (Minn. R. Crim. P. 6.01).

(c) In misdemeanor cases unless it reasonably appears to the arresting officer that the offender will (Minn. R. Crim. P. 6.01):

1. Cause bodily injury to him/herself or another if he/she is not detained.
2. Continue engaging in criminal conduct.
3. Not respond to a citation.

(d) When the offender is from another state which has a reciprocal agreement with Minnesota unless the offense is (Minn. Stat. § 169.91):

1. One which would result in the revocation of the offender’s driver’s license under Minnesota law upon conviction.
2. A violation of a highway weight limitation.
3. A violation of a law governing the transportation of hazardous materials.
4. That the offender was driving without a valid driver’s license.
Citation Releases

409.4 PROHIBITIONS
The release of a suspected offender on a citation is not permitted when:

(a) The offender has committed a driving while impaired (DWI) offense (Minn. Stat. § 169A.40; Minn. Stat. § 169.91).

(b) The offender is arrested for a violation of state law or an ordinance related to the operation or registration of a vehicle punishable as a misdemeanor or felony and (Minn. Stat. § 169.91):
   1. The offender demands an immediate appearance before a judge.
   2. The offender is charged with:
      (a) An offense involving an accident that resulted in injury or death.
      (b) Criminal vehicular homicide.
      (c) Failure to stop after being involved in an accident that resulted in death, personal injuries or damage to property.
   3. There is reasonable cause to believe that the offender may leave the state.

See the Domestic Abuse Policy for release restrictions related to those investigations.

409.5 CONSIDERATIONS
In determining whether to cite and release a person when discretion is permitted, officers should consider:

(a) The type of offense committed.
(b) The known criminal history of the suspected offender.
(c) The ability to identify the suspected offender with reasonable certainty.
(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
(e) The individual’s ties to the area, such as residence, employment or family.
(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

409.6 FISH AND GAME AND ENVIRONMENT-RELATED OFFENSES
In the case of game and fish laws or other environment-related offenses, as specified in Minn. Stat. § 97A.211, officers should release the offender unless there is reason to believe that criminal conduct will continue or that the offender will not respond as required by the citation (Minn. Stat. § 97A.211).
Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Brooklyn Park Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY
The Brooklyn Park Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY
If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.
410.4 ENFORCEMENT ACTION
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
   1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
   1. Diplomatic-level staff of missions to international organizations and recognized family members
   2. Diplomatic agents and recognized family members
   3. Members of administrative and technical staff of a diplomatic mission and recognized family members
   4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:
   1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
   2. Support staff of missions to international organizations.
   3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
   4. Honorary consular officers.

410.5 DOCUMENTATION
All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE
Reference table on diplomatic immunity:
## Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note a)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise (note a)</td>
<td>No immunity or inviolability (note a)</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note a)</td>
<td>Yes (note d)</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise (note a)</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note a)</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability (note a)</td>
</tr>
<tr>
<td>Int'l Org Staff (note b)</td>
<td>Yes (note c)</td>
<td>Yes (note c)</td>
<td>Yes</td>
<td>Yes (note c)</td>
<td>No for official acts Yes otherwise (note a)</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Diplomatic-Level Staff of Missions to Int’l Org</td>
<td>No (note b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
</tbody>
</table>
Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Support Staff of Missions to Int’l Orgs</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>No for official acts</th>
<th>No immunity or inviolability</th>
</tr>
</thead>
</table>

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.
Rapid Response and Deployment

411.1 PURPOSE AND SCOPE
Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in implementing rapid response deployment to such situations.

411.2 POLICY
The Brooklyn Park Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.
(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.
Blasting Caps and Explosive Compounds

412.1 PURPOSE
Blasting caps are perhaps the most dangerous items an officer will be called upon to handle. Despite their small size, they are extremely powerful. Various manufacturers use different types of explosive as a filler. All of these compounds are very sensitive to heat and shock, therefore, careful handling is required.

412.2 PROCEDURE
(a) Basically, there are two types of blasting caps; electric and non-electric.
   (a) **Electric** caps are susceptible to stray electrical currents, such as short wave radio transmissions and electrical fields established by high tension lines. A precaution to observe when in the area of electric caps is positive shunting (shorting) of the leg wires. Electric caps are shipped with a shunting sleeve. For added safety, it is recommended that no transmissions are made by any electronic communications equipment while near electric blasting caps. This includes police radios, cellular telephones and any other electronic device that transmits radio waves. To avoid accidental transmissions, it is suggested your radio be turned off. NEVER transmit via the walkie-talkie when within 10 feet of electric blasting caps. NEVER transmit via the squad car radio when within 300 feet of electric blasting caps.

(b) **Non-electric** caps require only careful handling and are not susceptible to stray electrical forces. Never probe into the open end of non-electric caps with anything!

(b) All recovered explosives, blasting caps, military ordnance or incendiary devices are to be collected by a military or law enforcement bomb squad for disposal.
Immigration Violations

413.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Brooklyn Park Police Department for investigating and enforcing immigration laws.

413.2 POLICY
It is the policy of the Brooklyn Park Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

413.3 VICTIMS AND WITNESSES
To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or Minnesota Constitutions.

413.4 ENFORCEMENT
An officer may temporarily detain an individual when there is a legitimate law enforcement purpose unrelated to a federal civil immigration violation and there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant. An officer shall never arrest an individual solely for immigration violations without a warrant or the specific authority from a federal agent.

413.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES
An individual who enters into the United States illegally has committed a federal misdemeanor (8 USC § 1325(a)). Generally, someone who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a federal criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Minnesota Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:
Immigration Violations

(a) An admission that the person entered the United States illegally.

(b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.

(c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.

(d) Other factors based upon training and experience.

413.4.2 IMMIGRATION CHECKS
Immigration status may be determined through any of the following sources:

(a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an "alien's" immigration status (sometimes referred to as Immigration and Nationality Act 287(g) certified officer)

(b) Immigration and Customs Enforcement (ICE)

(c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a federal criminal immigration offense the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

413.4.3 SUPERVISOR RESPONSIBILITIES
When notified that an officer has detained a person for a legitimate law enforcement purpose unrelated to a federal civil immigration violation and established probable cause to believe the person has violated a criminal immigration offense, the supervisor shall:

(a) Confirm that there is probable cause to believe that the detained person committed a crime and the immigration status was properly verified.

(b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:

1. Notify federal authorities when appropriate
2. Confirm that the Lawful arrest was for a criminal offense or warrant.

413.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT
Generally, an officer will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented persons who are booked into the county jail on criminal charges. Notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.
413.6 ICE REQUEST FOR ASSISTANCE
Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

413.7 INFORMATION SHARING
No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from ICE
(b) Maintaining such information in department records
(c) Exchanging such information with any other federal, state or local government entity

413.7.1 IMMIGRATION HOLDS
No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

413.8 U VISA AND T VISA NON-IMMIGRANT STATUS
Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Unit supervisor assigned to oversee the handling of any related case. The Investigation Unit supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
Immigration Violations

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
Patrol Rifles

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

414.1 Specifications
Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police and issued by the Department, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Smith and Wesson M&P 15.

414.2 Rifle Maintenance
(a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or armorer, who shall inspect and service each patrol rifle on an annual basis.
(b) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor, the Rangemaster or armorer.
(c) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.
(d) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or armorer at any time.
(e) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster or armorer.

414.3 Training
Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. Officers shall thereafter be required to successfully complete yearly firearms proficiency qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete Department-sanctioned training/qualification sessions will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user’s course and qualification.

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

(a) Situations where the officer reasonably anticipates an armed encounter.
Patrol Rifles

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect’s firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When appropriate to aid in the dispatch of an animal.

414.5 PATROL READY
Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

414.6 RIFLE STORAGE

(a) When not in use, patrol rifles will be stored in the Department rifle racks.

(b) In-service patrol rifles should be secured in the vehicle gun lock or case.

(c) At the end of the assigned officer’s shift, the patrol rifle will be returned and secured in the Department rifle rack.
False Alarms

415.1 PURPOSE
To ensure compliance with Brooklyn Park Ordinance 1025, "Alarm Equipment - Regulations" and to establish appropriate violation and documentation procedures.

415.2 DEFINITIONS
(a) Chargeable False Alarm - Any activation of an alarm system (excluding those affixed to motor vehicles, trailers, or recreational vehicles) that results in a response by police personnel where an emergency does not exist. This includes, but is not limited to mechanical failure, system malfunction, improper installation, negligent use, improper maintenance and intentional activation.

(b) Non-Chargeable False Alarm - any activation of an alarm system caused by power outages, climatic conditions (such as strong winds, lightning, heavy rain, etc.), system maintenance/testing (as long as the police department is notified ahead of time) and any other condition(s) that are clearly beyond the control of the alarm manufacturer/installer/user.

415.3 OFFICER RESPONSIBILITIES
(a) It is the responsibility of the officer preparing the incident report on an alarm call to determine if it is a "Chargeable False Alarm" or a "Non-Chargeable False Alarm". The criteria outlined in 415.2 are to be used making this decision. If an officer is unable to obtain appropriate information to make a definitive judgment, the call must be reported as a "Non-Chargeable False Alarm".

(b) A Brooklyn Park Police Alarm Ordinance Compliance Form is to be completed and attached to an exterior door, or left in some other manner, for the alarm user. The alarm user must complete and return the form to the Police Department within five days

(c) Materials should be left whenever possible in such a manner so they will not blow away or be affected by weather conditions.

(d) When alarm users are present at arrival or key holders respond, the materials are to be given to them personally.

(e) Incident reports will be completed on all alarm calls that officers respond to. The officer should identify in their report where the Alarm Compliance Form was attached or to whom it was given.

(f) "Non-Chargeable False Reports" - require only a summary report. The narrative of the report should start with the phrase "Non-Chargeable False Alarm"- and then give appropriate details. These reports will receive the Incident Code of Non-Chargeable False Alarm.

(g) "Chargeable False Alarms" – need the following information in addition to the normal information contained in an Incident Report:

(a) The reason(s) why the officer concluded it was a false alarm;
(b) That the appropriate forms were left at the alarm site or if an in-person delivery was made, the identity of said person.

(h) These reports will receive the Incident Code of Chargeable False Alarm and will be tracked for violations of Brooklyn Park Ordinance 1025.

(i) When an officer clears an alarm call that is found to be a Chargeable False alarm the officer should clear the call with a disposition of False alarm in CAD.

415.4 CLERICAL RESPONSIBILITIES
Personnel performing initial data entry into the departmental computer system must use the same Incident Code as determined by the officer. Non-Chargeable False Alarm reports are to be coded “Non-Chargeable False Alarm” and Chargeable False Alarm reports are to be coded “Chargeable False Alarm”. If for some reason data entry personnel are unable to determine the classification of the alarm call, the duty supervisor is to be notified and will make the appropriate determination.

415.5 FIRE ALARMS
Brooklyn Park Police personnel will continue to respond to fire alarms. The responsibilities of Brooklyn Park Ordinance 1025, as they relate to fire alarms, rest with the Fire Department.
Aircraft Accidents

416.1 PURPOSE AND SCOPE
This policy describes situations involving aircraft crashes including responsibilities of personnel, making proper notification and documentation.

416.1.1 DEFINITIONS
Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY
It is the policy of the Brooklyn Park Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE
Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.
(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
(c) Preserve ground scars and marks made by the aircraft.
(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
(e) Maintain a record of persons who enter the accident site.
(f) Consider implementation of persons who enter the accident site.

416.4 INJURIES AND CASUALTIES
Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

416.5 NOTIFICATIONS
When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.
Aircraft Accidents

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department
(b) Appropriate airport tower
(c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY
Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.
(b) Fire department, EMS or other assisting law enforcement agencies.
(c) Medical Examiner.
(d) Air Carrier/Operators investigative teams with NTSB approval.
(e) Appropriate branch of the military, when applicable.
(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS
Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
(b) Pressure vessels, compressed gas bottles, accumulators and tires.
(c) Fluids, batteries, flares and igniters.
(d) Evacuation chutes, ballistic parachute systems and composite materials.
416.8 DOCUMENTATION
All aircraft accidents occurring within the City of Brooklyn Park shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of BPPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE
When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.
(b) Attempt to ascertain the number of casualties.
(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
   1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES
Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.
(b) A detailed description of what was observed or heard.
(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
(d) The names of all persons reporting the accident, even if not yet interviewed.
(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS
The Public Information Officer ([PIO]) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.
Aircraft Accidents

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims’ names. The [PIO] should coordinate with other involved entities before the release of information.
Field Training Officer Program

417.1 PURPOSE AND SCOPE
The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Brooklyn Park Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

417.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING
The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry-level and lateral police officers in the application of their previously acquired knowledge and skills.

417.2.1 SELECTION PROCESS
FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.
(b) Minimum of three years of patrol experience, two of which shall be with this department.
(c) Demonstrated ability as a positive role model.
(d) Participate and pass an internal oral interview selection process.
(e) Evaluation by supervisors

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR(S)
The Field Training Officer Program Supervisor(s) will be selected by the Patrol Division Commander or designee.

The responsibilities of the FTO Program Supervisor(s) include the following:

(a) Assignment of trainees to FTOs.
(b) Conduct FTO meetings.
(c) Maintain and ensure FTO/trainee performance evaluations are completed.
(d) Maintain, update and issue the Field Training Manual to each trainee.
(e) Monitor individual FTO performance.
(f) Monitor overall FTO Program.
(g) Maintain liaison with academy staff on recruit performance during the academy.

(h) Develop ongoing training for FTOs.

417.4 TRAINEE DEFINED
Trainee - Any entry level or lateral police officer newly appointed to the Brooklyn Park Police Department who possesses a Minnesota POST license or is eligible to be licensed.

417.5 REQUIRED TRAINING
Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

417.5.1 FIELD TRAINING MANUAL
Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Brooklyn Park Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

417.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

417.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

(a) Completing and submitting a written evaluation on the performance of the assigned trainee.

(b) Reviewing the Daily Trainee Performance Evaluations with the trainee each day.

(c) Completing a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.

(d) Signing off all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

417.6.2 FIELD TRAINING SUPERVISOR
The Field Training Supervisor(s) will review and approve the Daily Trainee Performance Evaluations submitted by the FTO.
The Field Training Supervisor(s) will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Supervisor will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forward to the FTO Commander for review and approval.

417.6.3 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

417.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations.
(b) End of phase evaluations.
(c) A Memo of Completion, certifying that the trainee has successfully completed the required number of hours of field training.
Obtaining Air Support

418.1 PURPOSE AND SCOPE
The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

418.2 REQUEST FOR AIR SUPPORT ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for air support, the supervisor will request dispatch to call the closest agency having air support available. The supervisor will apprise dispatch of the specific details of the incident prompting the request.

418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements.
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.
(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
(d) When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
(e) Vehicle pursuits (Minn. Stat. § 626.8458).
(f) When the Patrol Lieutenant or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.
JOINT POLICE/FIRE EMS RESPONSE

421.1 PURPOSE AND SCOPE
This policy outlines the operations, procedures and dispatch protocols for a Joint Brooklyn Park Police and Brooklyn Park Fire response to Emergency Medical Service (EMS) events.

421.2 DEFINITIONS

EMS Calls for Service: Brooklyn Park Police, Brooklyn Park Fire and North Memorial will be dispatched and respond when possible or appropriate to all Emergency Medical Service (EMS) call types as provided by Hennepin County Sheriff’s Dispatch.

EMS Crime Scene Calls for Service: There are several types of Emergency Medical Service (EMS) calls that warrant the police to investigate and determine scene safety prior to patient care being initiated. Brooklyn Park Fire will be dispatched to the following call types, but will wait to be cleared by police prior to entry:

(a) DOA
(b) Shooting
(c) Stabbing
(d) Suicide
(e) Overdose
(f) Assaults

421.3 JOINT RESPONSE TO EMS CALLS FOR SERVICE

(a) Upon receipt of an EMS call for service, Hennepin County Sheriff’s Radio shall dispatch Brooklyn Park Police and Brooklyn Park Fire in accordance with their standard operating procedures.

(b) Officers will be advised when the call is dispatched whether or not Brooklyn Park Fire is also available and/or responding.

(c) If Brooklyn Park Fire is responding, a minimum of one squad will respond. Officers will use their discretion on a second squad response based on the information in the call, potential of incident being criminal in nature and their proximity to the scene.

(d) Police will complete the incident report for all EMS events in which they arrive on scene. If police are unable to respond, or are cancelled, the Fire Department crew leader will insure that a copy of their EMS sheet is forwarded to the Police Department.

(e) Officers will respond to all motor vehicle accidents and still have primary responsibility for scene safety and investigations.

(f) If an accident is dispatched as check for injuries, Brooklyn Park Fire will be dispatched but will respond routine unless upgraded by police.
JOINT POLICE/FIRE EMS RESPONSE

421.4 JOINT RESPONSE TO EMS CRIME SCENE CALLS FOR SERVICE

(a) Brooklyn Park Fire will be dispatched to standby in the area of all EMS crime scene events

(b) Brooklyn Park Fire members will determine their own staging area with an acceptable distance being a minimum of two blocks from the address of the call.

(c) Brooklyn Park Fire units shall turn off all emergency lights and sirens prior to arrival at the staging area to reduce attention and visibility.

(d) Officers will advise dispatch when the scene is secure and the need for Brooklyn Park Fire to either enter the scene or to clear.

(e) If Brooklyn Park Fire enters the scene, they are to meet with officers when possible to be briefed on the situation to reduce the potential of compromising the integrity of the scene.
Mobile Video Recorders

422.1 PURPOSE AND SCOPE
The Brooklyn Park Police Department has equipped each marked patrol car with a Mobile Video Recording (MVR) system. The MVR is designed to assist and compliment patrol officers and cadet officers in the performance of their duties. The MVR is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer’s report.

422.1.1 DEFINITIONS
Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Video Recorder (MVR) - Synonymous terms - that refer to any system that captures audio and video signals that is capable of installation in a vehicle and that includes at minimum, a camera, microphone, recorder and monitor.

Law Enforcement Operator (LEO) - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the Department who is authorized and assigned to operate MVR-equipped vehicles to the extent consistent with Minn. Stat. § 169.98.


MVR technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

422.2 OFFICER RESPONSIBILITIES
Prior to going into service, each officer will log into the MVR system. At the end of the shift, each officer will log out of the system.

Officers who have been issued a transmitter shall store their transmitter in the assigned charger when not in use. Shared transmitters shall be returned to the charging station in the equipment room when not in use.

Officers shall test the MVR system operation in accordance with manufacturer specifications and consistent with training at the start of each shift. Testing includes:

(a) Remote audio transmitter is functional and has an adequate power source.
(b) Connected to the recording equipment.
(c) The transmitter can remotely activate the system.
Mobile Video Recorders

(d) The view of all cameras shall be free of obstruction.
(e) All camera lenses shall be operational.
(f) Camera facing intended direction.
(g) Recording mechanism capturing both audio and video information.
(h) System plays back both audio and video tracks.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

422.3 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

Law enforcement operators are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

422.3.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation where the system may be used, although there are many situations where the use of the MVR system is appropriate. In addition to the required situations, an officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The activation of the MVR system is required in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct, within video or audio range, which include:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops).
2. Priority responses
3. Vehicular pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
Mobile Video Recorders

7. Physical or verbal confrontations or use of force
8. Prisoner transports
9. Non-custody transports
10. Pedestrian checks (Subject Stops)
11. DWI investigations including field sobriety tests
12. Consensual encounters
13. Crimes in progress
14. Responding to an in-progress call
15. Medical incidents attended to by members of the Department

(b) All self-initiated activity in which an officer would normally notify Dispatch.
(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
   1. Family violence calls
   2. Disturbance of peace calls
   3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
(e) Any transport of prisoners in the Transport Van.
(f) Any other circumstances where the officer believes that a recording of an incident would be appropriate.

422.3.2 CESSATION OF RECORDING
Once the MVR system is activated it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if:

(a) The LEO is simply waiting for a tow truck or a family member to arrive or other similar situations.
(b) The incident or event is of such duration that the MVR may be deactivated to conserve recording times.
(c) The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information.
(d) The intention to stop the tape has been noted by the LEO either verbally or in a written notation.
Mobile Video Recorders

422.3.3 WHEN ACTIVATION NOT REQUIRED
Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

422.3.4 SUPERVISOR RESPONSIBILITIES
Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made.

On reasonable intervals, supervisors should validate that:

(a) Media check-out and check-in procedures are followed.

(b) Logs reflect the proper chain, including:
   1. Tracking number of media
   2. Date issued
   3. Law enforcement operator or vehicle issued
   4. Date submitted
   5. Law enforcement operators submitting the media
   6. Hold for evidence indication and tagging

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, Department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MVR technician or crime scene investigator removes the recorded media. The technician or investigator should ensure the media is recovered and retained appropriately, often as evidence. Copies may be distributed to investigators as appropriate to the investigation.

422.4 REVIEW OF MVR RECORDINGS
All recording media, recorded images and audio recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the agency MVR technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.

Recordings may be reviewed in any of the following situations.
Mobile Video Recorders

(a) For use when preparing reports or statements.
(b) By a supervisor investigating a specific act of officer conduct.
(c) By a supervisor to assess officer performance.
(d) To assess proper functioning of MVR systems.
(e) By a Department investigator after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
(f) By Department personnel who request to review their own recordings.
(g) An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.
(h) By court personnel through proper process or with permission of the Chief of Police or designee.
(i) By media personnel or other third parties consistent with an MGDPA request (Minn. Stat. § 13.01 et seq.).
(j) To assess possible training value.
(k) Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the officer’s objection for not showing the recording.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

422.5 DOCUMENTING MVR USE
Officers and cadet officers shall include their squad number at the conclusion of each report.

422.6 VIDEO MEDIA STORAGE, RETENTION AND INTEGRITY
Once checked in, all video media will be labeled and placed in a designated secure storage area. All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule. Recordings shall be retained for seven years from the date of capture.

422.6.1 COPIES OF VIDEO RECORDINGS
Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in this policy.
Mobile Video Recorders

Original video recording media may only be released in response to a court order or upon approval by the Chief of Police or designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

422.6.2 MVR RECORDINGS AS EVIDENCE

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event, such as a homicide, or as directed by the on-duty supervisor or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

MVR equipment will be used in the prosecution of those who violate the law and to provide objective information concerning law enforcement/citizen contacts.

(a) Recordings containing data that must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the state shall continue to be in the control of the Department.

(b) When a recording contains evidence for a case that is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Chief of Police or his/her designee.

422.7 SYSTEM OPERATIONAL STANDARDS

(a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MVR system should be configured to minimally record for 30 seconds, prior to an event.

(c) The MVR system may not be configured to record audio data occurring prior to activation.

(d) To prevent bleed over and/or noise from other MVRs in systems using low band transmitters (analog), only the primary LEO initiating the contact shall activate his/her audio recorder.

(e) LEOs using digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR system to record audio data.

(g) LEOs shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other approved designee may erase and reissue
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previously recorded recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

422.8 MVR TECHNICIAN RESPONSIBILITIES
The MVR technician is responsible for the following:

(a) Ordering, issuance, retrieval, storage, degaussing and duplication of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media, and once collected:
   1. Ensure it is stored in a secured location with authorized controlled access.
   2. Make appropriate entries in the chain of custody log.

(c) Degauss of media:
   1. Pursuant to a court order.
   2. In accordance with established retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field.
   1. Maintaining a record database of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Long-term storage of media deemed to be of evidentiary value in accordance with the Department evidence storage protocols and retention schedule.

(g) Shall conduct quarterly inspections of the MVR systems for the entire fleet.
   1. A log of the quarterly inspections shall be maintained.

422.9 TRAINING
Users of the MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed with MVR systems in operational settings.
Mobile Digital Computer Use

423.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

423.2 POLICY
Brooklyn Park Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

423.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

423.4 RESTRICTED ACCESS AND USE
MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Patrol Lieutenants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

423.4.1 USE WHILE DRIVING
Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages
Mobile Digital Computer Use

that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

423.5 DOCUMENTATION OF ACTIVITY
Except as otherwise directed by the Patrol Lieutenant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

423.5.1 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC while the vehicle is not in motion.

423.5.2 EMERGENCY ACTIVATION
If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Patrol Lieutenant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

423.6 EQUIPMENT CONSIDERATIONS

423.6.1 MALFUNCTIONING MDC
Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall
Mobile Digital Computer Use

be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

423.6.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.
Portable Audio/Video Recorders

424.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties (Minn. Stat. § 626.8473). Portable audio/video recording devices include all recording systems whether body-worn, handheld or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Brooklyn Park Police Department facility, undercover operations, wiretaps or eavesdropping (concealed listening devices) unless captured by a portable recording system.

424.1.1 DEFINITIONS
Definitions related to this policy include:

Portable recording system - A device worn by a member that is capable of both video and audio recording of the member’s activities and interactions with others or collecting digital multimedia evidence as part of an investigation and as provided in Minn. Stat. § 13.825.

424.2 POLICY
The Brooklyn Park Police Department may provide members with access to portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

424.3 MEMBER PRIVACY EXPECTATION
All recordings made by members on any department-issued device at any time or while acting in an official capacity of this department, regardless of ownership of the device, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

424.4 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, if one is available and that the recorder is in good working order (Minn. Stat. § 13.825). If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Minn. Stat. § 626.8473).

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a
Portable Audio/Video Recorders

A conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording (Minn. Stat. § 626.8473). Members should include the reason for deactivation.

Officers shall not intentionally block the BWC’s audio or visual recording functionality to defeat the purposes of this policy.

Any member who loses their BWC shall immediately report the missing device to the on duty supervisor.

424.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations
(b) All calls for service that involve interaction or anticipated interaction with individuals
(c) The execution of search warrants
(d) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
(e) Self-initiated activity in which a member would normally notify Dispatch
(f) When property inventorying any property or evidence, to include the entire process of packaging and securing it in a locker, drop slot or garage
(g) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.
Portable Audio/Video Recorders

Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

424.5.1 SCHOOL RESOURCE OFFICER’S PHILOSOPHY:

The Brooklyn Park Police Department recognizes that the duties and working environment for School Resource Officers (SRO) are unique within law enforcement. It is recognized that SRO’s are required to maintain school safety while keeping the sanctity of the learning environment that the school provides. SRO’s are expected to continuously build trusting relationships with students and staff. They also often have impromptu interventions with students to deescalate arguments and/or conflicts. It is with this understanding that the Brooklyn Park Police Department provides special regulations to SRO’s and their use of Body Worn Cameras (BWC).

The recorder should be activated in any of the following situations:

(a) When summoned by any individual to respond to an incident where it is likely that law enforcement action will occur when you arrive.

(b) Any self-initiated activity where it is previously known that you will make a custodial arrest.

(c) Any self-initiated activity where it is previously known that your questioning/investigation will be used later in criminal charges

(d) When feasible an SRO shall activate the BWC when the contact becomes adversarial or the subject exhibits unusual behaviors.

Nothing in this policy undermines the fact that in many instances SRO’s are suddenly forced to take law enforcement action and have no opportunity to activate the BWC. It is also recognized that SRO’s often have private (confidential) conversations with juveniles. It is not appropriate to record these conversations as it diminishes the trust between the individual and the SRO.

424.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Officers may turn off their portable recorder when entering into the booking vestibule at the Hennepin Co. Detention Center per their policy. Officers should state they are turning the portable recorder off because they are entering the jail. This area is recorded by the Hennepin County Sheriff Department’s camera system.
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424.5.3 SURREPTITIOUS RECORDINGS
Minnesota law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Minn. Stat. § 626A.02).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

424.5.4 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

424.6 DOWNLOADING OF VIDEO AND IDENTIFICATION OF RECORDINGS
A member should download all video from their portable recorder to the L3 system via the established docking stations at the end of their shift.
In certain critical incidents such as an officer involved shooting a supervisor will secure the portable recorder device and will be responsible for download or transfer of data into the L3 storage system.
A member shall document the existence of a recording in their report in accordance with SOP 424.
Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

424.7 REVIEW OF RECORDED MEDIA FILES
When preparing written reports, members should review their recordings as a resource (See the Critical Incident Response and Investigation Policy #304 for guidance in those cases. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, use of force reviews, pursuit reviews, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Upon approval of the Inspector in charge of training, videos can be viewed by training staff to create curriculum or address department training needs.
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(c) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(d) In compliance with the Minnesota Data Practices Act request, if permitted or required by the Act, including pursuant to Minn. Stat. § 13.82, Subd. 15, and in accordance with the Records Maintenance and Release Policy.

(e) Detectives may view all videos related to cases they are assigned to investigate.

All recordings should be reviewed by the Custodian of Records or a member of the Command Staff prior to public release (See the Records Maintenance and Release Policy). Recordings that are clearly offensive to common sensibilities should not be publicly released unless disclosure is required by law or order of the court (Minn. Stat. § 13.82, Subd. 7).

424.8 COORDINATOR
The Chief of Police or the authorized designee should designate a coordinator responsible for (Minn. Stat. § 626.8473; Minn. Stat. § 13.825):

(a) Establishing procedures for the security, storage and maintenance of data and recordings.
   1. The coordinator should work with the Custodian of Records and the member assigned to coordinate the use, access and release of protected information to ensure that procedures comply with requirements of the Minnesota Government Data Practices Act (MGDPA) and other applicable laws (Minn. Stat. § 13.01 et seq.) (See the Protected Information and the Records Maintenance and Release policies).

(b) Establishing procedures for accessing data and recordings.
   1. These procedures should include the process to obtain written authorization for access to non-public data by BPPD members and members of other governmental entities and agencies.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging or marking events.

(e) Establishing an inventory of portable recorders including:
   1. Total number of devices owned or maintained by the Brooklyn Park Police Department.
   2. Daily record of the total number deployed and used by members and, if applicable, the precinct or district in which the devices were used.
   3. Total amount of recorded audio and video data collected by the devices and maintained by the Brooklyn Park Police Department.

(f) Preparing the biennial audit required by Minn. Stat. § 13.825, Subd. 9.

(g) Notifying the Bureau of Criminal Apprehension (BCA) in a timely manner when new equipment is obtained by the Brooklyn Park Police Department that expands the type or scope of surveillance capabilities of the department’s portable recorders.
Portable Audio/Video Recorders

424.9 PROHIBITED USE OF AUDIO/VIDEO RECORDERS
Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Lieutenant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

424.10 RETENTION OF RECORDINGS
All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 180 days.

If an individual captured in a recording submits a written request, the recording may be retained for additional time period. The coordinator should be responsible for notifying the individual prior to destruction of the recording (Minn. Stat. § 13.825).

424.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS
Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Portable Recording device data is private or nonpublic unless:

- A police officer discharges a firearm in the course of their duties. (training and killing of animals not included)
- The use of force by a police officer results in substantial bodily harm.
- When the subject of the data requests the data be made accessible to the public. (Redaction of undercover officers and those not consenting will be done)
- When BWC data documenting the basis for discipline is part of a personnel data in a final disposition of discipline

424.10.2 ACCESS TO RECORDINGS
Except as provided by Minn. Stat. § 13.825, Subd. 2, audio/video recordings are considered private or nonpublic data.
Any person captured in a recording may have access to the recording. If the individual requests a copy of the recording and does not have the consent of other non-law enforcement individuals captured on the recording, the identity of those individuals must be blurred or obscured sufficiently to render the subject unidentifiable prior to release. The identity of on-duty peace officers may not be obscured unless their identity is protected under Minn. Stat. § 13.82, Subd. 17.

424.11 ACCOUNTABILITY
Any member who accesses or releases recordings without authorization may be subject to discipline (See the Standards of Conduct and the Protected Information policies) (Minn. Stat. § 626.8473).

424.12 TRAINING
All users of body worn cameras will be trained on the cameras operation and this policy prior to deploying with one.
Bicycle Patrol Unit

425.1 PURPOSE AND SCOPE
The Brooklyn Park Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle’s quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

425.2 POLICY
Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize its mobility and visibility to the community. Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.
Requests for specific deployment of bicycle patrol officers shall be coordinated through the BPU supervisor.

425.3 SELECTION OF PERSONNEL
Upon a position opening, interested licensed personnel who are off probation shall submit an application via the City of Brooklyn Park's applicant tracking system, NEOGOV.

(a) Recognized competence and ability as evidenced by performance.
(b) Special skills or training as it pertains to the assignment.
(c) Good physical condition.
(d) Willingness to perform duties using the bicycle as a mode of transportation.

425.3.1 BICYCLE PATROL UNIT SUPERVISOR
The BPU supervisor will be selected by the Patrol Division Commander or designee.
The BPU supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.
(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
(c) Scheduling maintenance and repairs.
(d) Evaluating the performance of bicycle officers.
(e) Coordinating activities with the Patrol Division.
(f) Inspection and documentation no less than every three months that bicycles not in active service are in a serviceable condition.
(g) Other activities as required to maintain the efficient operation of the unit.
425.4 TRAINING
Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

425.5 UNIFORMS AND EQUIPMENT
Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

425.6 CARE AND USE OF PATROL BICYCLES
Officers will be assigned a specially marked and equipped patrol bicycle and attached gear bag.

Bicycles utilized for uniformed bicycle patrol shall be marked with POLICE on both sides of either the crossbar or the saddlebag unless the bike is used in an undercover role. Every such bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides or rear of the bicycle.
Bicycle Patrol Unit

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the BPU supervisor.

Each bicycle will have scheduled maintenance twice yearly, to be performed by a Department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer’s immediate presence.

425.7 OFFICER RESPONSIBILITIES
Officers are exempt from operating the bicycle in compliance with Minnesota law while performing their duties (Minn. Stat. § 169.222 Subd. 11). Officers may operate the bicycle without lighting equipment during hours of darkness, when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.
Foot Pursuits

426.1 PURPOSE AND SCOPE
This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

426.1.1 POLICY
It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued.

426.2 DECISION TO PURSUE
The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.
(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
(c) A canine search.
Foot Pursuits

(d) Thermal imaging or other sensing technology.
(e) Air support.
(f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

426.3 GENERAL GUIDELINES
When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
(b) The officer is acting alone.
(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
(d) The officer is unsure of his/her location and direction of travel.
(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
(f) The physical condition of the officers renders him/her incapable of controlling the suspect if apprehended.
(g) The officer loses radio contact with Dispatch or with assisting or backup officers.
(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
(k) The officer loses possession of his/her firearm or other essential equipment.
(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
Foot Pursuits

(m) The suspect’s location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer’s ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

426.4 RESPONSIBILITIES IN FOOT PURSUITS

426.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

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

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.
Foot Pursuits

426.4.2 ASSISTING OFFICER RESPONSIBILITIES
Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

426.4.3 SUPERVISOR RESPONSIBILITIES
Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

426.5 REPORTING
The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.
(b) Initial reason and circumstances surrounding the foot pursuit.
(c) Course and approximate distance of the foot pursuit.
(d) Alleged offenses.
(e) Involved vehicles and officers.
(f) Whether a suspect was apprehended as well as the means and methods used.
   1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
(g) Arrestee information, if applicable.
(h) Any injuries and/or medical treatment.
(i) Any property or equipment damage.
(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.
Automated License Plate Readers (ALPR)

427.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

427.2 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Brooklyn Park Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the assigned Lieutenant.

427.3 OPERATIONS
Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business.
(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents.
(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
(e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.
(f) If practicable, the officer should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.

427.3.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS
The Brooklyn Park Police Department will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

...
Automated License Plate Readers (ALPR)

(a) Data collected by an ALPR will be limited to:
   1. License plate numbers.
   2. Date, time and location of data captured.
   3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.
(b) ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
(c) ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
(d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

427.4 DATA COLLECTION AND RETENTION
The assigned Lieutenant is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this department (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

(a) Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.
(b) Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained in accordance with the established records retention schedule.

All data is classified as private unless specified differently under 13.824 subd 2 (b).

427.4.1 LOG OF USE
A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

(a) Specific times of day that the ALPR collected data.
(b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.
(c) For each period of active use, the number of vehicles or license plates related to:
   1. A vehicle or license plate that has been stolen.
Automated License Plate Readers (ALPR)

2. A warrant for the arrest of the owner of the vehicle.
3. An owner with a suspended or revoked driver’s license or similar category.
4. Active investigative data.

(d) For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

427.5 ACCOUNTABILITY
All saved data will be closely safeguarded and protected by both procedural and technological means. The Brooklyn Park Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.

(d) Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).

(e) All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.

(f) Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

427.6 POLICY
The policy of the Brooklyn Park Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.
427.7 RELEASING ALPR DATA
The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

ALPR data related to an active criminal investigation may be released to another law enforcement agency upon request. The agency receiving the data must comply with all data classification, destruction, and security requirements designated in 13.824.

ALPR data NOT related to an active criminal investigation may be released to another law enforcement agency if the responsible authority for the receiving agency has established written procedures to ensure that law enforcement personnel have access to the data only if authorized in writing by the receiving agency’s chief of police, sheriff, or head of the law enforcement agency, or their designee, to obtain access to data collected by an ALPR for a legitimate specified and documented law enforcement purpose.

ALPR data that are not related to an active criminal investigation may not be shared with, disseminated to, sold to, or traded with any other individual or entity unless explicitly authorized by law.

All requests for ALPR data must include the requesting agency’s name, case number and type of case being actively investigated. This information shall be entered into the BOSS system when the search is conducted.

All requests for ALPR data will be reviewed and authorized by the Chief of Police or his designee.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

427.8 PERSONNEL AUTHORIZED TO ACCESS
Pursuant to MN State Statute 13.824 Subd 7, the only people authorized by Brooklyn Park Police Chief Craig Enevoldsen to have access to Brooklyn Park Police ALPR data are the following:

- Day Shift Commander - Lt. Nelson
- Dogwatch Shift Commander - Lt. Weinbeck
- Inspector of Investigations - Insp. Erickson
- Investigations Sgt. - Sgt. Roushar
- Safe Streets Sgt. - Sgt. Nordan
- Crime Analyst II - Jody Murphy

All inquires will be properly logged within the system’s audit trail and will include the reason for the inquiry and if it is requested by another agency.
Homeless Persons

428.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Brooklyn Park Police Department recognizes that members of the homeless community are often in need of special protection and services. The Brooklyn Park Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy when serving the homeless community.

428.1.1 POLICY
It is the policy of the Brooklyn Park Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

428.2 FIELD CONTACTS
Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest. Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

428.2.1 OTHER CONSIDERATIONS
Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
(e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

428.3 PERSONAL PROPERTY
The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee’s personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Department.

428.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS
Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a 72-hour emergency medical hold unless facts and circumstances warrant such a detention.

428.5 ECOLOGICAL ISSUES
Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

428.6 POLICY
It is the policy of the Brooklyn Park Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.
Criminal Conduct on School Buses

429.1 PURPOSE AND SCOPE
Criminal conduct on school buses has been identified by the legislature as a critical component for the safety and security of the community. The primary purpose of this policy is to provide officers guidance in responding to reports of alleged criminal conduct on school buses within this jurisdiction is the responsibility of this department in cooperation with any other law enforcement agency that may have concurrent jurisdiction over the alleged offense. This policy is not intended to interfere with or replace school disciplinary policies that relate to student misconduct on school buses (Minn. Stat. § 169.4581).

429.2 COMMUNITY COOPERATION
The Brooklyn Park Police Department shall work with and consult with school officials, transportation personnel, parents and students to respond to these incidents to protect student safety and deal appropriately with those who violate the law.

429.3 PROCEDURE
This department shall respond to all criminal misconduct on school buses within the jurisdiction of this department regardless of the source of the report. Officers should take reasonable actions to complete the following:

(a) Provide for the safety of any person involved in the incident or present at the incident.
(b) Coordinate any appropriate care.
(c) Investigate reports of crimes committed on school buses using the same procedures as followed in other criminal investigations as appropriate for juveniles and/or adults.
(d) Issue citations, release pending further investigation, or apprehend and transport individuals committing crimes on school buses to the extent authorized by law.
(e) When warranted, submit reports regarding the incident for review, approval and consideration for prosecution.
(f) Complete follow-up and additional investigation as reasonably necessary to prepare a case pertaining to criminal conduct on school buses as required for prosecution.
(g) Provide information to the relevant school regarding the incident as required or authorized by law.
Public Recording of Law Enforcement Activity

430.1 PURPOSE AND SCOPE
This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

430.2 POLICY
The Brooklyn Park Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

430.3 RECORDING LAW ENFORCEMENT ACTIVITY
Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
   1. Tampering with a witness or suspect.
   2. Inciting others to violate the law.
   3. Being so close to the activity as to present a clear safety hazard to the officers.
   4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

430.4 OFFICER RESPONSE
Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or
behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

430.5 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

430.6 SEIZING RECORDINGS AS EVIDENCE
Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

   1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

   1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

   2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the
Public Recording of Law Enforcement Activity

Evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.
Medical Aid and Response

432.1 PURPOSE AND SCOPE
This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

432.2 POLICY
It is the policy of the Brooklyn Park Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

432.3 FIRST RESPONDING MEMBER RESPONSIBILITIES
Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.
(b) The nature of the incident.
(c) Any known scene hazards.
(d) Information on the person in need of EMS, such as:
   1. Signs and symptoms as observed by the member.
   2. Changes in apparent condition.
   3. Number of patients, sex, and age, if known.
   4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
   5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.
432.4 TRANSPORTING ILL AND INJURED PERSONS
Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

432.5 PERSONS REFUSING EMS CARE
If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour hold in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

432.6 MEDICAL ATTENTION RELATED TO USE OF FORCE
Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

432.7 AIR AMBULANCE
Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.
Medical Aid and Response

Officers should be prepared to assist in air ambulance landings and may consider the following:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider’s minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider’s minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft’s tail rotor area.
- If available wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

432.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

432.8.1 AED USER RESPONSIBILITY

AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the supervisor who is responsible for ensuring appropriate maintenance is arranged.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The AED will be turned into the administrative sergeant for downloading information.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS if they are not on their way or already onscene.
Medical Aid and Response

432.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

432.8.3 AED TRAINING AND MAINTENANCE
The training officer should ensure appropriate training is provided to members authorized to use an AED.

The administrative sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

432.9 SICK OR INJURED ARRESTEE
If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.
Crisis Intervention Incidents

433.1 PURPOSE AND SCOPE
This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person’s mental state and intent in order to effectively and legally interact with the individual.

433.1.1 DEFINITIONS
Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person’s internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

433.2 POLICY
The Brooklyn Park Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members’ interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

433.3 SIGNS
Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness
(b) Threats of or attempted suicide
(c) Loss of memory
(d) Incoherence, disorientation or slow response
(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
(g) Social withdrawal
(h) Manic or impulsive behavior, extreme agitation, lack of control
(i) Lack of fear
(j) Anxiety, aggression, rigidity, inflexibility or paranoia
Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

433.4 FIRST RESPONDERS
Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer’s authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person’s mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person’s actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

433.5 DE-ESCALATION
Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
Crisis Intervention Incidents

- Introduce themselves and attempt to obtain the person’s name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person’s verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:
- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

433.6 INCIDENT ORIENTATION
When responding to an incident that may involve mental illness or a mental health crisis, the officer may consider requesting that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

433.7 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

433.8 INCIDENT REPORTING
Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

433.8.1 DIVERSION
Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

433.9 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS
Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

433.10 TRAINING
In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Additionally, the training officer will provide officers with in-service training in crisis intervention and mental illness crises as required by Minn. Stat. § 626.8469.
First Amendment Assemblies

434.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

434.2 POLICY
The Brooklyn Park Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

434.3 GENERAL CONSIDERATIONS
Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.
(b) Harass, confront or intimidate participants.
(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members’ interaction with participants and their response to crowd dynamics is appropriate.
First Amendment Assemblies

434.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS
Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

434.4 UNPLANNED EVENTS
When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

434.5 PLANNED EVENT PREPARATION
For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

434.5.1 INFORMATION GATHERING AND ASSESSMENT
In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
First Amendment Assemblies

- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

434.5.2 OPERATIONAL PLANS
An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities
(b) Staffing and resource allocation
(c) Management of criminal investigations
(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)
(e) Deployment of specialized resources
(f) Event communications and interoperability in a multijurisdictional event
(g) Liaison with demonstration leaders and external agencies
(h) Liaison with City government and legal staff
(i) Media relations
(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
(k) Traffic management plans
(l) First aid and emergency medical service provider availability
(m) Prisoner transport and detention
(n) Review of policies regarding public assemblies and use of force in crowd control
(o) Parameters for declaring an unlawful assembly
(p) Arrest protocol, including management of mass arrests
(q) Protocol for recording information flow and decisions
(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
(s) Protocol for handling complaints during the event
(t) Parameters for the use of body-worn cameras and other portable recording devices.
First Amendment Assemblies

434.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

434.6 UNLAWFUL ASSEMBLY DISPERAL ORDERS
If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

434.7 USE OF FORCE
Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM) devices should be considered only when the participants’ conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.
First Amendment Assemblies

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

434.8 ARRESTS
The Brooklyn Park Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.
(b) Dedicated arrest, booking and report writing teams.
(c) Timely access to medical care.
(d) Timely access to legal resources.
(e) Timely processing of arrestees.
(f) Full accountability for arrestees and evidence.

434.9 MEDIA RELATIONS
The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

434.10 DEMOBILIZATION
When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

434.11 POST EVENT
The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan
(b) Any incident logs
(c) Any assignment logs
(d) Incident, arrest, use of force, injury and property damage reports
(e) Photographs, audio/video recordings, Dispatch records/tapes
(f) Media accounts (print and broadcast media)

434.11.1 AFTER-ACTION REPORTING
The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event
(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
(c) Problems identified
(d) Significant events
(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.
Civil Disputes

435.1 PURPOSE AND SCOPE
This policy provides members of the Brooklyn Park Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Abuse Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Minnesota law.

435.2 POLICY
The Brooklyn Park Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department may assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

435.3 GENERAL CONSIDERATIONS
When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.
435.4 COURT ORDERS
Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.
(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

435.4.1 STANDBY REQUESTS
Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location (or by phone) to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Officers may respond to standby request to retrieve personal property. The person requesting the assistance should be advised that only personal property that they immediately need will be allowed to be gathered. When extended time is needed to remove property the standby request will be denied. The person should be referred to the Hennepin County Sheriffs Civil Division as an additional resource.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

435.5 VEHICLES AND PERSONAL PROPERTY
Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.
435.6 REAL PROPERTY
Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.
Medical Cannabis

436.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of this department with guidelines for investigating the possession or use of medical cannabis under Minnesota’s medical cannabis laws.

436.1.1 DEFINITIONS
Definitions related to this policy include (Minn. Stat. § 152.22):

Medical cannabis - Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins in the form of a liquid, oil or pill, that is properly packaged and labeled with:

(a) The name and address of the authorized manufacturer.
(b) The patient’s registry identification number, name, date of birth and address.
(c) The chemical composition of medical cannabis.
(d) Recommended dosage.
(e) Directions for use.
(f) Batch number.
(g) Date of manufacture.

Raw leaves, flowers and edibles are not included.

Patient - A Minnesota resident who has been diagnosed with a qualifying medical condition by a health care practitioner and who has met any other requirements for patients under Minn. Stat. § 152.22 et seq.

Caregiver - A person who has been approved by the Minnesota Commissioner of Health to assist a patient who is unable to self-administer medication or acquire medical cannabis from a distribution facility due to a disability, and who is authorized to assist the patient with the use of medical cannabis.

436.2 POLICY
It is the policy of the Brooklyn Park Police Department to prioritize resources to avoid making arrests related to medical cannabis that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Minnesota medical cannabis laws are intended to provide protection from prosecution to those who use or possess medical cannabis for medical purposes. The Brooklyn Park Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Minnesota law and the resources of the Department.

436.3 INVESTIGATION
Investigations involving the possession or use of cannabis generally fall into one of two categories:
Medical Cannabis

(a) Investigations when no person makes a medicinal claim.
(b) Investigations when a person claims to be a patient or caregiver.

436.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM
In any investigation involving the possession, delivery, production or use of a cannabis product or drug paraphernalia where no person claims that the cannabis is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the cannabis was possessed or produced for medicinal purposes.

436.3.2 INVESTIGATIONS INVOLVING A PATIENT OR CAREGIVER
Arrest shall not be made for the possession of medical cannabis by a patient, a caregiver or the parent or legal guardian of a patient (Minn. Stat. § 152.32).

Possession of medical cannabis properly packaged and labeled by an authorized manufacturer should suffice for verification of a person’s status as a patient. The possession of medical cannabis registry verification from the Minnesota Department of Health should also suffice for verification a person’s status as a patient or caregiver (Minn. Stat. § 152.22; Minn. Stat. § 152.27).

436.3.3 EXCEPTIONS
This policy does not apply to the following offenses. Officers may take enforcement action if the person (Minn. Stat. § 152.23):

(a) Possesses or engages in the use of medical cannabis on a school bus or van, on the grounds of any preschool or primary or secondary school, in any correctional facility, or on the grounds of any child care facility or home daycare.
(b) Vaporizes medical cannabis on any form of public transportation, where the vapor would be inhaled by a non-patient minor child, or in any public place or a place of employment.
(c) Operates any motor vehicle, aircraft, train or motorboat, or works on transportation property, equipment or facilities while under the influence of medical cannabis.

436.4 FEDERAL LAW ENFORCEMENT
Officers should provide information regarding a medical cannabis investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

436.5 REPORTING
Officers aware of a person experiencing a negative medical condition or a death related to a cannabis overdose, including as a result of an unauthorized access to medical cannabis, must contact the Minnesota Department of Health’s Office of Medical Cannabis within five business days. If discovered as part of an ongoing investigation, the report must be made within 72 hours of the conclusion of the investigation (Minn. R. 4770.4002; Minn. R. 4770.4004).
Officers having reasonable suspicion of unauthorized possession of medical cannabis or of violations of cannabis laws by individuals authorized to possess medical cannabis, must report to the Office of Medical Cannabis using the designated online form. Reports related to unauthorized possession must be submitted within 72 hours, unless discovered as part of an ongoing investigation, in which case reporting must be made within 72 hours of the conclusion of the investigation. Reports of violations by persons authorized to possess medical cannabis must be submitted within 15 days (Minn. R. 4770.4010).
Chapter 5 - Traffic Operations
Traffic Collisions

501.1 PURPOSE AND SCOPE
This policy provides guidelines for responding to and investigating traffic collisions.

501.2 POLICY
It is the policy of the Brooklyn Park Police Department to respond to traffic collisions and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of collisions by attempting to identify the cause of the collision and through enforcing applicable laws. Unless restricted by law, traffic collision reports will be made available to the public upon request.

501.3 RESPONSE
Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

(a) Is within the jurisdiction of this department and there is:
   2. A fatality.
   3. A City vehicle involved.
   4. A City official or employee involved.
   5. Involvement of an on- or off-duty member of this department.

(b) Is within another jurisdiction and there is:
   1. A City of Brooklyn Park vehicle involved.
   2. A City of Brooklyn Park official involved.
   3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES
Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control

(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.
Traffic Collisions

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).

(f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION
If a traffic collision involves a life-threatening injury or fatality, the responding officer shall notify a supervisor, or if unavailable, the Patrol Lieutenant. The Patrol Lieutenant or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Patrol Lieutenant will ensure notification is made to the Patrol Lieutenant, department command staff and City Manager in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY
In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim’s immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic collision should not be released until notification is made to the victim’s immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS
A State collision report shall be completed when:

(a) A fatality, any injury (including complaint of pain) on public or private property, impaired driving or hit and run is involved.

(b) An on-duty member of the City of Brooklyn Park is involved.

(c) The collision results in any damage to any City-owned or leased vehicle.

(d) The collision involves any other public agency driver or vehicle.

(e) There is damage to public property.

(f) There is damage to any vehicle to the extent that towing is required.

(g) Prosecution or follow-up investigation is contemplated.

(h) The apparent damage to involved vehicle(s) is in excess of $1000.00 and the incident occurred on public property. (169.09s8)

(i) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY
Officers should complete a report regarding how they provided assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

A criminal investigation will be conducted if there is an injury or fatality, a hit-and-run violation or other traffic law violation involved. For personal injury accidents a State Accident form and report are required.
Traffic Collisions

501.5.2 CITY VEHICLE INVOLVED
A traffic collision report shall be taken when a City vehicle is involved in a traffic collision that results in property damage or injury.

A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS
Department members should refer to the Animal Control Policy when a traffic collision involves the disposition of an injured animal.

501.6 INVESTIGATION
When a traffic collision meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.
(b) Identification and interview of any witnesses.
(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
(d) Identification and protection of items of apparent evidentiary value.
(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY
The Patrol Lieutenant or on-duty supervisor should request that the Minnesota Department of Public Safety or other outside law enforcement agency investigate and complete a traffic collision investigation when a life-threatening injury or fatal traffic collision occurs within the jurisdiction of the Brooklyn Park Police Department and involves:

(a) An on- or off-duty member of the Department.
   1. The involved member shall complete the department traffic collision form. If the member is unable to complete the form, the supervisor shall complete it.
(b) An on- or off-duty official or employee of the City of Brooklyn Park.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic collision.

501.6.2 COMMERCIAL VEHICLE COLLISIONS
Commercial vehicle collisions additionally require notification to the Minnesota State Patrol if the collision results in (Minn. Stat. § 169.783):
Traffic Collisions

(a) A fatality.

(b) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the collision.

(c) One or more vehicles incurring disabling damage as a result of the collision, requiring the vehicle to be transported away from the scene by tow truck or other motor vehicle.

A waiver or inspection by a state trooper or other authorized person is required before a person may drive a commercial motor vehicle that was involved in such a collision (Minn. Stat. § 169.783).

501.7   ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the collision, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8   TOW VS. IMPOUND

Officers investigating motor vehicle accidents shall allow the drivers or owners of vehicles involved the opportunity to secure towing service from the company of their choice unless the delay involved presents a potential hazard to vehicle and pedestrian traffic or poses unnecessary delay in the performance of other duties. If the driver or owner has no means for a private tow, the towing service currently under contract with the city will be used.

501.9   REPORTS

Department members shall utilize forms approved by the Minnesota Department of Public Safety as required for the reporting of traffic collisions (Minn. Stat. § 169.09, Subd. 9).

501.9.1   REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.9.2   SUPPORT SERVICES RESPONSIBILITIES

The responsibilities of the Support Services Manager include, but are not limited to:

(a) Forwarding the traffic collision report to the Department of Public Safety within 10 days of the collision investigation (Minn. Stat. § 169.09, Subd. 8).

(b) Ensuring completion and submission of a Department of Public Safety Fatality Report when a collision results in a fatality.
Vehicle Towing

502.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Brooklyn Park Police Department and under the authority of Minn. Stat. § 168B.035.

502.2 STORAGE AND IMPOUNDS
Vehicles may be towed for violations of Minn. Stat. § 168B.035, including parking, registration and snow emergency violations.

Vehicles may be moved or removed from a highway when in violation of Minn. Stat. § 169.32(a) or when left unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic (Minn. Stat. § 169.33).

The responsibilities of those employees storing or impounding a vehicle are as follows:

502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT
Department members requesting towing of a vehicle shall complete a Vehicle Impound and Inventory Report, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Support Services Division as soon as practicable after the vehicle is stored.

Any person requesting that a vehicle be marked as HOLD on the impound form shall initial the HOLD and the reason on the form. The reason for the hold shall be articulated in the applicable police report.

When a vehicle marked as HOLD is later given a status of RELEASE, the person authorizing the release shall ensure that the impound form is marked as RELEASE and initial the form along with the date/time the RELEASE was authorized. The employee authorizing the release shall make reasonable attempts to notify the registered owner that the vehicle can be released. Those attempts shall be documented in the applicable police report. The vehicle shall be released from a hold as soon as reasonably practicable.

The Support Services Division shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report form into NCIC within 48 hours.

Approved Vehicle Impound and Inventory Report forms shall be promptly placed into the impound file so that they are immediately available for release or for information, should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the towing of any such vehicle, it shall be the responsibility of the towing company to determine the names and addresses of any individuals having an interest in the vehicle. Notice to all such individuals shall be sent by certified mail within five business days of impound (Minn. Stat. § 168B.06 Subd. 1).
Vehicle Towing

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION
When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

502.2.3 DRIVING A NON-CITY VEHICLE
Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.4 SUPPORT SERVICES DIVISION RESPONSIBILITIES
Support Services Division personnel shall promptly enter pertinent data from the completed Vehicle Impound and Inventory Report form into NCIC. Approved forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this department has been recovered, the on duty supervisor or their designee shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle. Upon recovery of a vehicle reported stolen to another agency, the Support Services Division is to promptly inform the agency that the vehicle is recovered, where it is located and when it can be released to the owner (Minn. Stat. § 169.042 Subd. 1).

502.3 TOWING SERVICES
The City of Brooklyn Park periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.
**Vehicle Towing**

### 502.4 TOWING AT ARREST SCENES
Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee’s vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, the vehicle would present a traffic hazard if it were not removed, or the vehicle is located in a high-crime area and is susceptible to theft or damage if left at the scene.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the occupant was arrested nor may be subject to forfeiture proceedings.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene.

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

### 502.5 VEHICLE INVENTORY
All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

### 502.6 SECURITY OF VEHICLES AND PROPERTY
Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.
**502.7 RELEASE OF IMPOUND VEHICLE**

Any Police department employee may release an impounded vehicle using the following procedure:

- **Release to Registered Owner:**
  
  1. The individual claiming the vehicle shall be required to produce identification substantiating their identity as well as proof of insurance if intending on operating the vehicle on the roadway. Vehicles being towed do not need proof of insurance unless the reason for the original tow was for DWI. (169A.42s2)
  
  2. The releasing employee shall inspect the upper left corner of the Impound/Inventory form and verify that the vehicle can be released. If the vehicle is marked hold, then it shall not be released.
  
  3. The vehicle registration shall be queried for other wants or holds and to ensure that the vehicle registers to the individual seeking the release.
  
  4. If the impounded vehicle has been in police custody for over 48 hours and entered into NCIC Impounded Vehicle File", it must be removed from the computer prior to release.
  
  5. If the vehicle has been entered into the computer as "impounded", a copy of the printout will be placed on the Impound/Inventory Sheet.
  
  6. The releasing employee shall stamp, sign and place the date in the space provided at the bottom of the Impound/Inventory Sheet. The claimant shall also sign acknowledging receipt of the release. The claimant shall then be given a copy of the form and instructed where to pick up the vehicle.
  
  7. The Impound/Inventory Sheet and all supporting release documentation shall be attached to the original report.

- **Release to Person other than Registered Owner**

  - **(a)** A vehicle may be released to a person other than the registered owner providing the claimant displays documentation ratifying the claim to the vehicle. This documentation may include any of the following.
  
  - **(b)** A notarized release authorization signed by the registered owner.
  
  - **(c)** Possession of the vehicle’s title which has been fully completed and a notarized bill of sale. Minnesota law requires titles to be transferred within 14 days of the vehicle’s sale. Claimants who possess a negotiated title in which the sale took place longer than 14 days, must transfer the vehicle’s ownership at a deputy registrar prior to its release. Evidence of this transfer must be supplied by the claimant to secure the release.
  
  - **(d)** Valid and current court order establishing claimant's right to the vehicle.
  
  - **(e)** A teletype or fax message from another law enforcement agency that their agency has contacted or been contacted by the registered owner who has given authorization to release to the claimant.
Vehicle Towing

(f) In the case of a leased vehicle, a valid contract between the lessor and the claimant.

(g) When a lien holder attempts to repossess a vehicle in custody, the vehicle may be released to the holder or the agent if they present a valid court order for it, or if a hold harmless agreement is issued by the lien holder. This document should include terminology holding harmless the Brooklyn Park Police Department and towing service and stipulating that the lien holder will indemnify the Department and towing service in any subsequent legal actions arising from release of the vehicle. The “hold harmless” agreement should be signed by a company officer, corporate officer or authorized agent of the lien holder.

(h) The procedures identified in 502.7, sub. a, “Release to Registered Owner”, shall also be adhered to when releasing a vehicle under the above circumstances.

(i) A supervisor has the authority to release an impounded vehicle under circumstances not mentioned in this General Order. However, if this occurs a supplemental report relating to the rationale for the release must be attached to the Impound/Inventory Sheet.

(j) Unclaimed Vehicles - Impounded vehicles which are not claimed after two days (not counting the day of impoundment) shall be entered into NCIC Vehicle Files as an “Impounded Vehicle” This is the responsibility of support services division personnel.

502.8  PAYMENT OF IMPOUND AND STORAGE FEES
Unless otherwise authorized or directed by the Chief of Police, Captains or valid court order, payment of impound and storage fees are the responsibility of the owner or authorized agent claiming the vehicle.
Impaired Driving

503.1 PURPOSE AND SCOPE
This policy provides guidance to those department members who play a role in the detection and investigation of driving while impaired (DWI).

503.2 POLICY
The Brooklyn Park Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Minnesota’s impaired driving laws.

503.2.1 IMPLIED CONSENT
At the time the test is given the officer must inform the arrestee that (Minn. Stat. § 169A.51 Subd. 2):

(a) Minnesota law requires that he/she take the test.
(b) Refusal to take the test is a crime, or refusal of blood/or urine when a warrant is present.
(c) If he/she was arrested for a violation of vehicular homicide or injury, the test will be taken with or without consent, with a warrant present unless exigent circumstances exist. (Minn. Stat. § 169A.52 Subd. 1).
(d) He/she has the right to consult with an attorney unless it would unreasonably delay administration of the test.

The arresting officer may direct the type of chemical test to be given. The officer may charge a person for failure to take a blood or urine test only if an alternative test was offered and the officer had a warrant to collect the sample. (Minn. Stat. § 169A.51 Subd. 3).

503.2.2 SEPARATE CHEMICAL TEST
An officer shall permit a person required to submit to a chemical test to have someone of his/her own choosing administer a separate chemical test (Minn. Stat. § 169A.51 Subd. 7 (b)). The separate chemical test shall:

(a) Be conducted at the place where the person is in custody.
(b) Be conducted after the officer has administered the government-mandated test.
(c) Impose no expense to the state.

503.2.3 REFUSAL TO TEST
It is a crime for any person to refuse to submit to a chemical test of his/her breath, or blood or urine when a warrant is present (Minn. Stat. § 169A.20 Subd. 2). An officer shall immediately give notice to any person who refuses a chemical test that his/her driving privilege will be revoked. The officer shall (Minn. Stat. § 169A.52 Subd. 7):
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(a) Invalidate the person's driver's license or permit card by clipping the upper corner of the card in such a way that no identifying information including the photo is destroyed and immediately return the card to the person.

(b) Issue the person a temporary license effective for only seven days.

(c) Send the notification of this action to the commissioner along with the certification that there was probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while impaired, and that the person refused to submit to a test.

503.2.4 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL
Based on probable cause the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the attending physician objects for medical reasons, the blood or urine samples will be collected in the prescribed manner pursuant to Minn. Stat. § 169A.51 Subd. 7 (a).

503.2.5 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL
Being unconscious or otherwise being incapable of refusing to submit to a chemical test does not negate implied consent. The officer may conduct the test with a warrant. (Minn. Stat. § 169A.51 Subd. 6).

503.2.6 EXIGENT CIRCUMSTANCES DOCTRINE
Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual § 514.2.2 and 514.2.3 of this chapter comes within the guidelines of the emergency doctrine.

503.2.7 COLLECTING BLOOD EVIDENCE
Only a physician, medical technician, emergency medical technician-paramedic, registered nurse, medical technologist, medical laboratory technician, phlebotomist, laboratory assistant or other qualified person acting at the request of a peace officer may withdraw a blood sample (Minn. Stat. § 169A.51 Subd. 7 (a)). A qualified person means medical personnel trained in a licensed hospital or educational institution to withdraw blood (Minn. Stat. § 169A.51 Subd. 7 (d)). Whether such evidence is collected at the Department or the jail, the withdrawal of the blood sample shall be witnessed by the assigned officer.

An officer may direct that a blood test be administered, with a warrant, even after a breath test, if the person refuses an offer to take a urine test and there is probable cause to believe that (Minn. Stat. § 169A.51 Subd. 4):

(a) There is impairment by a controlled substance or a hazardous substance that is not subject to testing by a breath test.

(b) A controlled substance or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body.
503.2.8 FORCED WITHDRAWAL OF BLOOD
Blood may be taken by force when a warrant is present if the officer has probable cause to believe the person has violated state criminal vehicular homicide and injury laws (Minn. Stat. § 169A.51 Subd. 2 (3) and Minn. Stat. § 169A.52 Subd. 1). If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by reasonable force used to the extent necessary.

The person designated by the Department shall transport or coordinate delivery of all blood samples to the crime laboratory for analysis in compliance with evidence procedures.

When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, he/she shall not be required to take a blood test.

503.2.9 WITHDRAWAL OF BLOOD BY WARRANT
A search warrant must always be sought when seeking blood or urine test for the successful prosecution of a DWI/DUI suspect. An officer who believes such a warrant is necessary should inform a supervisor of the circumstances and seek authorization. An affidavit for search warrant will be completed by the testifying officer and signed by the officer/affiant, in the presence of a magistrate unless otherwise allowed.

A blood specimen must be obtained within two hours of the arrest.

The Department has coordinated with judges for 24-hour access to obtain a warrant for the withdrawal of blood pursuant to Rule 36 of the Minnesota Rules of Criminal Procedure. The judges will generally accept warrant requests via telephone (oral) or fax.

(a) To obtain a warrant for a blood withdrawal and to complete service of an issued blood draw warrant by telephone:

1. Complete a Blood Draw Affidavit, Duplicate Original Warrant, and Return. The form used must contain the element that provides for the judge, notary or witness officer to sign.

2. Contact a judge by telephone from the call list maintained in Dispatch and determine whether a live signature or a fax procedure is preferred.

3. Upon informing the judge of the purpose for the call a recording shall be made. The judge or, if instructed by the judge the officer, shall begin recording, verbatim, the testimony and communication of all persons making the application for a warrant.

4. All persons party to the warrant application shall identify themselves and shall be placed under oath.

5. If the judge finds it reasonable to dispense with a written warrant and probable cause exists, the judge shall order issuance of the warrant and direct the officer to sign the judge's name upon the duplicate original warrant.
6. The judge will later direct the recording to be transcribed, will verify the accuracy and sign the transcribed record and the original warrant.

7. Upon completion of the warrant service and blood draw, the officer must complete the warrant return to the issuing judge.

8. Blood draws may only be performed by a physician, registered professional nurse, qualified technician, chemist, licensed vocational nurse or qualified phlebotomist.

9. The person drawing the blood must complete and sign the Affidavit of Person Who Withdrew the Blood and ensure that the form is notarized.

10. The Return and Inventory, original Affidavit and attachments, including a recording, if made by an officer must be completed and returned by the officer to the issuing court/judge.

11. A copy of the Search Warrant face sheet and Return Inventory must be placed with the arrestee's property.

(b) To obtain a warrant for a blood withdrawal and to complete service of an issued blood draw warrant by fax:

1. Complete a Blood Draw Affidavit, Warrant, Fax Cover and Return. The form used must contain the element that provides for the judge, notary or witness officer to sign.

2. Ensure that a notary public or another peace officer is present to perform the required role as witness.

3. Contact a judge by telephone from the call list maintained in Dispatch and determine whether a live signature or a fax procedure is preferred.

4. If the judge agrees to the fax procedure, transmit the completed forms and Fax Cover with the requesting officer's name and voice contact number and return fax number. This must be done so the judge can have the officer swear to the affidavit over the telephone, or if the judge has any questions, he/she can contact the officer.

5. If the judge approves the warrant, the judge retains the signed original and a facsimile will be transmitted back to the requesting officer.

6. Upon completion of the warrant service and blood draw the officer must complete the warrant return and fax the return to the issuing judge.

7. Blood draws may only be performed by a physician, registered professional nurse, qualified technician, chemist, licensed vocational nurse or qualified phlebotomist.
8. The person drawing the blood must complete and sign the Affidavit of Person Who Withdrew the Blood and ensure that the form is notarized.

9. The Return and Inventory, original Affidavit and attachments must be completed and returned by the officer to the issuing court/judge.

10. A copy of the Search Warrant face sheet and Return Inventory must be placed with the arrestee’s property.

503.2.10 COLLECTING BREATH AS EVIDENCE
If the arrested person chooses a breath test or refuses a blood test and it can be accomplished without undue delay, the arrested person shall first be transported to the jail for booking preparatory to the collection of breath samples. At the jail an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the person's breath.

An officer shall administer a breath test using an infrared or other approved breath-testing instrument. The test must consist of analyses in the following sequence: one adequate breath-sample analysis, one control analysis, and a second, adequate breath-sample analysis pursuant to (Minn. Stat. § 169A.51 Subd. 5).

503.2.11 COLLECTING URINE AS EVIDENCE
If the arrested person chooses a urine test as permitted by law, a warrant must be obtained prior to asking for the urine sample. He/she shall be promptly transported to the jail. The jailer will furnish a urine kit for collecting samples of the arrested person's urine. The officer shall follow the directions listed on the container instruction sheet. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same. Whenever practicable, sample collection should be collected by a person of the same sex.

An officer may only direct a person to submit to a urine test if the person is exempted from a blood test due to hemophilia or a heart condition requiring use of anticoagulants as determined by a physician.

The collection kit shall then be marked accordingly with the suspect's name, offense, Department, case number and the name of the witnessing officer.

The collection kit shall then be placed in the evidence refrigerator to await transportation to the crime laboratory.

Urine samples shall be collected and/or witnessed by an officer or matron of the same gender as the suspect.

An officer may direct that a urine test be administered even after a breath test if the person refuses an offer to take a blood test and there is probable cause to believe that (Minn. Stat. § 169A.51 Subd. 4):
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(a) There is impairment by a controlled substance or a hazardous substance that is not subject to testing by a breath test.

(b) A controlled substance or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body.

503.3 INVESTIGATIONS
Officers should not enforce DWI laws to the exclusion of their other duties unless specifically assigned to DWI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer’s observations that indicate impairment on the part of the individual, and the officer’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.

(e) The location and time frame of the individual’s vehicle operation and how this was determined.

(f) Any prior related convictions in Minnesota or another jurisdiction.

503.4 FIELD TESTS
The Police Department should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DWI laws.

503.5 CHEMICAL TESTS
Under Minnesota law if any of the following exist, the officer should ask for a breath test, or obtain a warrant for blood or urine (Minn. Stat. § 169A.51, Subd. 1):

(a) The arresting officer has probable cause to believe the person was driving, operating or in physical control of a vehicle while impaired as defined by Minn. Stat. § 169A.20.

(b) The officer has probable cause to believe that the person is DWI and has been involved in a vehicle accident resulting in property damage, personal injury or death.

(c) The officer has probable cause to believe that the person is DWI and the person has refused to take the preliminary screening test provided for by Minn. Stat. § 169A.41.
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(d) The person was administered a preliminary screening test and the results indicated an alcohol concentration of 0.08 or more.

(e) The officer has probable cause to believe the person was driving, operating or in physical control of a commercial motor vehicle with the presence of any alcohol in the person’s body.

If a person withdraws this implied consent the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

503.5.1 BREATH SAMPLES
The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to a supervisor.

503.5.2 BLOOD SAMPLES
Only persons authorized by law to draw blood shall collect blood samples (Minn. Stat. § 169A.51, Subd. 7). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood test because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.3 URINE SAMPLES
If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.
503.5.4 STATUTORY NOTIFICATIONS
At the time that the officer requests the person to submit to a breath test the officer must inform
the person that (Minn. Stat. § 169A.51, Subd. 2):

(a) Minnesota law requires that he/she take the test.
(b) Refusal to take the test is a crime.
(c) He/she has the right to consult with an attorney unless it would unreasonably delay
administration of the test.

At the time that the officer directs a person to submit to a blood or urine test pursuant to a warrant,
the person must be informed that (Minn. Stat. § 171.177, Subd. 1 and Subd. 2).

(a) I have a search warrant to take your blood/urine
(b) Refusal to take the test is a crime.
(c) He/she has the right to consult with an attorney unless it would unreasonably delay
administration of the test.

503.6 REFUSALS
When an arrestee refuses to provide a chemical sample officers should:

(a) Advise the arrestee of the requirement to provide a sample (Minn. Stat. § 169A.51; Minn. Stat. § 171.177, Subd. 1).
(b) Audio- and/or video-record the admonishment and the response when it is legal and
practicable.
(c) Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the
notice of intention to revoke upon the person and invalidate the person’s license in such a way
that no identifying information is destroyed and immediately return the license to the person (Minn.
Stat. § 169A.52, Subd. 7; Minn. Stat. § 171.177, Subd. 8).

503.6.2 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who does not consent to a chemical test when
any of the following conditions exist (Minn. Stat. § 169A.51, Subd. 3):

(a) A search warrant has been obtained.
(b) The officer can articulate that exigent circumstances exist and the officer has probable
cause to believe that the person has committed DWI, including vehicular homicide or
injury (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 13). Exigency does
not exist solely because of the short time period associated with the natural dissipation
of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency
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can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to a collision investigation or medical treatment of the person.

503.6.3 FORCED BLOOD SAMPLE
A forced sample may not be taken except in DWI cases involving vehicular homicide or injury (Minn. Stat. § 171.177, Subd. 13). In those cases, if a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the person to submit to such a sample without physical resistance.
   1. This dialogue should be recorded on audio and/or video when reasonably practicable.
(d) Ensure that the blood sample is taken in a medically approved manner.
(e) Ensure that the forced blood draw is recorded on audio and/or video when reasonably practicable.
(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
   1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
   2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
   3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.6.4 WARRANTS FOR CONTROLLED SUBSTANCES OR INCAPACITATION
A blood or urine test may be required pursuant to a warrant if the officer has probable cause to believe that (Minn. Stat. § 169A.51, Subd. 4):

(a) The person’s impairment is due to a controlled substance or a hazardous substance that is not subject to testing by a breath test.
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(b) A controlled substance listed in Schedule I or II or its metabolite (other than marijuana or tetrahydrocannabinols), is present in the person’s body.

(c) The person is unconscious or incapacitated to the point that the officer providing the breath test advisory, administering the breath test or serving the search warrant has a good faith belief that the person is mentally or physically unable to comprehend the advisory or otherwise voluntarily submit to the chemical tests.

If a person objects to the blood or urine test as directed by the warrant or officer, the officer should offer the other type of test if the person is conscious and mentally competent. Action may be taken against a person refusing to submit to a blood or urine test only if an alternate test of blood or urine, as applicable, was offered (Minn. Stat. § 169A.51, Subd. 4; Minn. Stat. § 171.177, Subd. 2).

503.7 ARREST AND INVESTIGATION

503.7.1 RIGHT TO ATTORNEY CONTACTS
A person has a limited right to consult with an attorney prior to submitting to a chemical test. This right is limited to the extent that it cannot unreasonably delay administration of the test (Minn. Stat. § 169A.51, Subd. 2).

503.7.2 ARREST AUTHORITY
An officer may arrest a person without a warrant and without regard to whether the offense was committed in the officer’s presence if there is probable cause to believe the person committed (Minn. Stat. § 169A.40):

(a) A DWI offense (Minn. Stat. § 169A.20).

(b) An alcohol-related driving offense involving a school bus or a Head Start bus (Minn. Stat. § 169A.31).

(c) An underage drinking and driving offense (Minn. Stat. § 169A.33).

503.7.3 OFFICER RESPONSIBILITIES
If an officer requests that a person submit to a chemical test and the person refuses such request, the officer shall report such refusal to the Commissioner of the Department of Public Safety (DPS) and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 1; Minn. Stat. § 171.177, Subd. 3).

If a person refuses to submit to a test or in the alternative submits to a test and the results indicate a prohibited alcohol concentration, the officer shall immediately give notice to the person that his/her driving privilege will be revoked and shall (Minn. Stat. § 169A.52, Subd. 7; Minn. Stat. § 171.177, Subd. 8):

(a) Issue the person a temporary license effective for only seven days.

1. Officers are not required to issue a person a temporary license if the person’s driving privilege is under withdrawal by DPS or if the person is unlicensed.
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(b) Send the notification of this action to the Commissioner of the DPS along with the certification that there was probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while impaired, and that the person either refused to submit to a test or submitted to a test and the results indicated a prohibited alcohol concentration or drug presence.

Test results of a person that indicate a prohibited alcohol concentration or drug presence shall be forwarded to the Commissioner of the DPS and the appropriate prosecuting attorney (Minn. Stat. § 169A.52, Subd. 2).

503.7.4 PRELIMINARY SCREENING TEST
An officer who has reason to believe the person was driving, operating or in physical control of a motor vehicle while impaired, may require the person to provide a sample of the person’s breath for a preliminary screening test using a device approved by the DPS Commissioner (Minn. Stat. § 169A.41, Subd. 1).

The officer must use the results of the preliminary screening test for the purpose of deciding whether to arrest the person and require further chemical testing pursuant to Minn. Stat. § 169A.51 (Minn. Stat. § 169A.41, Subd. 2).

503.7.5 ADDITIONAL TESTING
An officer shall permit a person required to submit to a chemical test to have a qualified person of his/her own choosing administer a separate chemical test (Minn. Stat. § 169A.51, Subd. 7(b)). The separate chemical test shall:

(a) Be conducted at the place where the person is in custody.
(b) Be conducted after the officer has administered the statutorily mandated test.
(c) Impose no expense to the state.

503.7.6 ADDITIONAL REQUIREMENTS FOR BREATH SAMPLES
All breath samples requested in accordance with this policy shall be obtained in accordance with Minn. Stat. § 169A.51, Subd. 5.

503.8 SUPPORT SERVICES DIVISION RESPONSIBILITIES
The Support Services Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

503.9 ADMINISTRATIVE HEARINGS
The Support Services Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Driver and Vehicle Services Division (DVS) of the DPS.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.
An officer called to testify at an administrative hearing should document the hearing date and the DVS file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

503.10 TRAINING
The training officer should ensure that officers participating in the enforcement of DWI laws receive regular training. Training should include at minimum current laws on impaired driving, investigative techniques and rules of evidence pertaining to DWI investigations. The training officer should confer with the prosecuting attorney’s office and update training topics as needed.
Disabled Vehicles

505.1 PURPOSE AND SCOPE
Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

505.2 OFFICER RESPONSIBILITIES
When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practicable.

505.3 EXTENT OF ASSISTANCE
In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS
Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

505.3.2 RELOCATION OF DISABLED VEHICLES
The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.
Abandoned Vehicle Violations

506.1 PURPOSE AND SCOPE
This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of Minn. Stat. § 168B.04.

506.1.1 DEFINITION
Pursuant to Minnesota statutes, a vehicle is abandoned if:

(a) The motor vehicle has remained illegally for more than 48 hours on any government-owned or -controlled property, or for more than four hours on that property when properly posted (Minn. Stat. § 168B.011 Subd. 2 (1)).

(b) The motor vehicle has been properly tagged by an officer and abandoned for four hours on any highway (Minn. Stat. § 168B.04, Subd. 2 (b) (1)).

(c) The motor vehicle has been abandoned and located so as to constitute a collision or traffic hazard (Minn. Stat. § 168B.04 Subd. 2 (b) (1)).

(d) The motor vehicle is unattended on private residential property, that is a single-family or duplex, without permission of the property caretaker (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

(e) The motor vehicle can be immediately removed if on private non-residential property if properly posted or after 24 hours if not posted (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

(f) The motor vehicle remains at a service, repair or maintenance establishment of motor vehicles five days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property (Minn. Stat. § 168B.04 Subd. 2 (b) (2)).

506.2 MARKING VEHICLES
Vehicles on public roadways suspected of being abandoned in violation of Minnesota abandoned vehicle laws shall be marked.

A visible chalk, crayon or paint mark should be placed on the rear window or left rear tire tread at the fender level unless the vehicle is missing tires or other vehicle conditions or weather prevent marking.

If a marked vehicle has been moved or the markings have been removed during a four or 24-hour investigation period, the vehicle shall be marked again for either the four or 24-hour abandonment violation.

506.2.1 VEHICLE IMPOUND
Any vehicle in violation shall be impounded by the authorized towing service and a report shall be completed by the officer authorizing the storage of the vehicle.
Abandoned Vehicle Violations

The impound and inventory report form shall be submitted to the Support Services Division immediately following the storage of the vehicle. The Support Services Division personnel shall promptly enter pertinent data from the completed vehicle impound and inventory report form into NCIC within 48 hours of the storage.

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Support Services Division to immediately notify MNJIS. Notification may also be made to the NLETS.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY
It is the policy of the Brooklyn Park Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES
An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
   1. An initial statement from any witnesses or complainants.
   2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
   1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
   2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
   3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Lieutenant.
   4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
   5. Collect any evidence.
   6. Take any appropriate law enforcement action.
   7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS
Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.
Investigation and Prosecution

600.4.1 AUDIO/VIDEO RECORDINGS
Any custodial interrogation of a person who is suspected of having committed a criminal offense should be electronically recorded (audio/video or both as available) in its entirety, including any information or discussion about the person’s rights and any waiver of those rights. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a non-custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS
The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).
Investigation and Prosecution

600.6 COMPUTERS AND DIGITAL EVIDENCE
The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence.

600.7 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS
Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

A copy of an entire case file should be sent to the appropriate prosecutor's office. However, supervisors uncertain about the materiality of evidence or facts should address the issue with the appropriate prosecutor.

600.8 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS
The employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

The following precautions should be taken by any employee presenting a photographic lineup:

(a) The person of interest or suspect in the photo lineup should not stand out from the other persons depicted in the photos.

(b) At no time prior to, during or after the presentation of a photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.

(c) The employee presenting the photographs to a witness should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.

(d) The position of the suspect's photo and filler photos should be placed in a different random order for each witness.

(e) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.

(f) An admonishment should be given to each witness that the suspect's photograph may or may not be among those in the lineup and that the witness need not make an identification.
The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photographic lineup presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should also be quoted in the appropriate report.

600.8.1 PHOTO IDENTIFICATION FORM
The Investigation supervisor shall be responsible for the development and maintenance of a photographic lineup identification form consistent with this policy.

The form, at minimum, shall contain the following:

- The date, time and location of the lineup procedure
- The name and identifying information of the witness
- The name of the investigator administering the lineup procedure
- The names of all of the individuals present during the lineup
- An admonishment that the suspect's photograph may or may not be among those in the lineup and that the witness need not make an identification
- A signature line where the witness acknowledges that he/she understands the lineup procedures and instructions

The photo identification form should be reviewed at least annually and modified when necessary.

600.9 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES
Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.9.1 ACCESS RESTRICTIONS
Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.
Investigation and Prosecution

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.9.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.10 ELECTRONIC BENEFIT TRANSFER (EBT) CARDS
Officers shall make a report any time they arrest a person who possesses more than one welfare Electronic Benefit Transfer (EBT) card. The investigating officers shall forward this report to the Minnesota Department of Human Services within 30 days of the arrest. The report shall include all of the following (Minn. Stat. § 626.5533):

(a) The name, address and driver's license or state identification card number of the suspect
(b) The number on each EBT card and name, if any
(c) The date and location of any alleged offense
(d) Any other information the Minnesota Department of Human Services may require on related state forms
Sexual Assault Investigations

601.1 PURPOSE AND SCOPE
The Brooklyn Park Police Department adopts the Investigations of Sexual Assault model policy established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8442).

See attachment: Model Sexual Assault Investigation Policy.pdf

601.2 COPY OF SUMMARY
The Investigation Unit supervisor shall ensure that the victim of a sexual assault who reports an incident to this department is provided with a copy of the written summary of the allegation. If the incident occurred outside the jurisdiction of the Brooklyn Park Police Department, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred (Minn. Stat. § 609.3459).
Asset Forfeiture

602.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses and controlled substance offenses (Minn. Stat. § 609.531 to Minn. Stat. § 609.5318).

602.2 POLICY
The Brooklyn Park Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or the due process rights of citizens.

It is the policy of the Brooklyn Park Police Department that all employees of the agency, all employees assigned to another law enforcement agency’s task force and all employees assigned to a task force from an outside law enforcement agency, in which this agency serves as the Fiscal Agent, follow all state and federal laws pertaining to forfeiture.

602.3 DEFINITIONS
Definitions related to this policy include:

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

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

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

**Fiscal Agent** - The person designated by the Brooklyn Park Police Department to be responsible for securing and maintaining seized assets and distributing any proceeds as a result of any forfeiture proceedings. This includes anytime the Brooklyn Park Police Department seizes property for forfeiture or when the Brooklyn Park Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

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

Forfeiture Reviewer - The Brooklyn Park Police Department employee assigned by the Brooklyn Park Police Department responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the prosecutor's office.

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

Property subject to administrative forfeiture - The following property is presumed to be subject to administrative forfeiture under Minnesota Law (Minn. Stat. § 609.5314):

(a) All cash, precious metals and precious stones found in proximity to controlled substances, forfeitable drug manufacturing or distributing equipment or devices, or forfeitable records of manufacture or the distribution of controlled substances.

(b) All conveyance devices containing controlled substances with a retail value of $100 or more if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

(c) All firearms, ammunition and firearm accessories found:
   1. In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance.
   2. On or in proximity to a person from whom a felony amount of controlled substance is seized.
   3. On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under Minnesota Statutes, Chapter 152.

Seizure - The act of law enforcement officials taking property, including cash and conveyance devices that have been used in connection with or acquired by illegal activities.

602.4 ASSET SEIZURE
Property may be seized for forfeiture as provided in this policy.

602.4.1 PROPERTY SUBJECT TO SEIZURE
The following property is subject to seizure.

(a) The following property may be seized upon review and approval of a supervisor and in coordination with the Forfeiture Reviewer:
   1. Controlled substances and associated property as described in Minn. Stat. § 609.5311.
Asset Forfeiture

2. Property intended for use to commit or facilitate the commission of a designated offense, as listed in Minn. Stat. § 169A.63, Subd. 6 and limited by Minn. Stat. § 169A.63, Subd. 7, and as listed in Minn. Stat. § 609.531, Subd. 1(f) and limited by Minn. Stat. § 609.5312.

(b) Property subject to administrative forfeiture may be seized without prior supervisor approval if the item has a retail value of $50,000 or less (Minn. Stat. § 609.5314).

602.4.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the prosecuting agency’s current minimum forfeiture thresholds should not be seized.

(b) Cash totaling less than $300, unless prerecorded buy funds are included in the cash seized.

602.4.3 SEIZURE OF PROPERTY TO BE FORFEITED
An officer may seize property subject to forfeiture based on a court order. An officer may also seize property without a court order under any of the following conditions (Minn. Stat. § 609.531, Subd. 4; Minn. Stat. § 169A.63, Subd. 2):

(a) The seizure is incident to a lawful arrest or a lawful search.

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.

(c) The officer has probable cause to believe that a delay to obtain a warrant or other process would result in the removal or destruction of the property and that either of the following apply:

1. The property was used or is intended to be used in commission of a felony.

2. The property is dangerous to health or safety.

602.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) If the retail value of the asset to be seized is $50,000 or less, completely and accurately prepare the Notice of Seizure and Intent to Forfeit Property Form (seizure form) and present it to the person from whom the property is to be seized for that person’s signature. If the person refuses to sign, the officer shall indicate on the seizure form that the person refused. The seizure form is not used when the value of the seized property exceeds $50,000.

(b) Prepare and provide a receipt for the items seized to the person from whom the property is being seized.
1. If cash or property is seized from more than one person, a separate property inventory receipt must be completed for each person specifying the amount of cash seized. The receipt shall include a detailed description of all property, checks, money orders, traveler’s checks or other financial instruments.

(c) Complete and submit a report within 24 hours of the seizure if practicable. The report must include, at minimum, the following:
   1. A description of the items seized
   2. The location where the property was turned in or stored
   3. The name of the individual who was served with the seizure form
   4. The date that the seizure form was served
   5. The name of the officer making the seizure
   6. Whether the individual signed the seizure form

(d) If property is seized from multiple individuals, a separate seizure form will be completed for each individual. A copy of the receipt and seizure form must be given to the individual from whom the property was seized.

(e) When property is seized and no one claims possession of the property, the officer must leave a receipt in the place where the property was found if it is reasonably possible to do so.

(f) The officer will book seized property into the Property and Evidence Unit as evidence, with the notation in the comment section of the property form, “Seized Subject to Forfeiture.”

(g) Forward a copy of the seizure form, and any seized property processing worksheets, property receipts and reports to the Forfeiture Reviewer within 10 days of seizure.

(h) Inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

602.5.1 CASH HANDLING
It is the responsibility of the seizing officer to secure and count cash consistent with this policy and the Cash Handling, Security and Management Policy. All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $300. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

All forfeitable cash seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practicable.
Asset Forfeiture

Prior to deposit with the Forfeiture Reviewer, officers shall examine all cash seized to determine whether it contains any prerecorded buy funds. Officers shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer to be returned to the appropriate buy fund account.

602.5.2 JEWELRY/PRECIOUS METALS/PRECIOUS STONES
Officers seizing jewelry, precious metals and/or precious stones will write a detailed description of each item on the property inventory receipt. A copy of the property inventory receipt and any photographs of the jewelry, precious metals and/or precious stones shall be delivered to the Forfeiture Reviewer.

Officers seizing jewelry, precious metals and/or precious stones shall book those items according to current property and evidence procedures as soon as practicable.

602.5.3 VEHICLES
Any conveyance device seized for forfeiture shall be taken to a secure designated area or to a department-approved impound facility as soon as practicable.

Officers shall inventory the conveyance device and its contents in accordance with the Vehicle Towing and Release Policy. Officers shall also complete applicable report forms and distribute them appropriately. A copy of the vehicle storage report shall be included with the seizure documentation that is submitted to the Forfeiture Reviewer.

602.5.4 FIREARMS/AMMUNITION/FIREARM ACCESSORIES
When firearms, ammunition or firearms accessories are seized, they shall be inventoried and delivered to the Property and Evidence Unit in accordance with the current booking procedures and the Property and Evidence Policy.

602.6 MAINTAINING SEIZED PROPERTY
The Property and Evidence Unit is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition (Minn. Stat. § 609.531 Subd. 5).

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or returned to the claimant or person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.
602.7 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the Forfeiture Reviewer. Prior to assuming duties, or as soon as practicable thereafter, the Forfeiture Reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of Forfeiture Reviewer include the following:

(a) Confer regularly with the prosecuting attorney’s office to remain familiar with forfeiture laws, particularly Minn. Stat. § 609.531 through Minn. Stat. § 609.5318, Minn. Stat. § 169A.63, and the forfeiture policies of the prosecuting agency.

(b) Make reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(c) Ensure responsibilities, including designation of a Fiscal Agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(d) Ensure that a seizure form, property inventory receipt and a forfeited property processing worksheet is available and appropriate for department use. The seizure form will minimally include the following (Minn. Stat. § 609.5314):

1. Space for an itemized list of items seized
2. The location and date of the seizure
3. A place for the name of the individual served with the seizure form
4. The date and signature of the officer conducting the seizure
5. The agency case number
6. A space for the signature of the person from whom property is seized or an appropriate space or check box for the officer to indicate that the person refused to sign
7. At least an original and the pink copy
8. Information in English, Hmong, Somali and Spanish explaining the right to obtain judicial review and the procedure provided by Minn. Stat. § 609.5314.

(e) Ensure that officers who may be involved in asset forfeiture receive training in the proper use of the seizure form and the forfeiture process. The training should be developed in consultation with the prosecuting attorney and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins or department directives. The training should be based on this policy and address any relevant statutory changes and court decisions.

(f) Review each asset forfeiture case to ensure the following:

1. Written documentation of the seizure and items seized is present in the case file.
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2. Independent prosecutorial review of the circumstances and propriety of the seizure is made in a timely manner.

3. A timely notice of seizure has been given to interest holders of seized property.

4. Property is promptly released to those entitled to its return.

(g) Forward all changes to forfeiture status to any supervisor who initiates a forfeiture case.

(h) Deposit any cash received with the Fiscal Agent.

(i) Ensure the current minimum forfeiture thresholds are communicated appropriately to officers.

(j) Annually review and update this policy and any related policies to reflect current federal and state statutes and case law.

(k) Prepare a written plan for the Chief of Police to address any extended absence of the Forfeiture Reviewer to ensure that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(l) Ensure the Department disposes of property as provided by law following any forfeiture (Minn. Stat. § 609.5315).

(m) Ensure that any forfeited property used in an undercover capacity, or that is sold or added to the department inventory is done so according to Minnesota law.

(n) Ensure that all forfeited property is used or disposed of in a manner consistent with the use and disposition of similar property by this department.

(o) Upon completion of any forfeiture process, ensure that no property is retained by the Brooklyn Park Police Department unless the Brooklyn Park Police Department authorizes in writing the retention of the property for official use.

(p) Ensure that forfeiture proceeds are maintained in a separate fund or account subject to appropriate accounting control with regular reviews or audits of all deposits and expenditures (Minn. Stat. § 609.5315).

(q) Ensure that records of forfeiture are retained for a minimum of six years.

(r) Ensure monthly forfeiture reporting is made to the state auditor in the manner prescribed by the auditor (Minn. Stat. § 609.5315, Subd. 6).

602.8 DISPOSITION OF FORFEITED PROPERTY
Legal disposition may include (Minn. Stat. § 609.5315; Minn. Stat. § 169A.63, Subd. 10):

(a) Retention by the Department and/or prosecuting agency.

1. If a forfeited motor vehicle is kept for Department use, the Department will make a reasonable effort to ensure the vehicle is available for use and adaptation by
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officers who participate in the Department's Drug Abuse Resistance Education program (Minn. Stat. §609.5315).

(b) Destruction.

(c) Sale performed in a commercially reasonable manner.

(d) Other disposition pursuant to applicable provisions of Minnesota Statutes.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Brooklyn Park Police Department has given written authorization to retain the property for official use.

Members of this department or persons related to members of this department by blood or marriage are prohibited from purchasing forfeited items sold by this department (Minn. Stat. § 609.5315, Subd. 1(c)).
Informants

603.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS
Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Brooklyn Park Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Brooklyn Park Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY
The Brooklyn Park Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL
Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS
The use of informants under the age of 13 is prohibited.

Generally, juveniles over the age of 13 shall not be used as informants. In the rare case that it appears necessary to use a juvenile as an informant the investigator is required to receive prior authorization from a supervisor, prosecuting attorney, juvenile’s parents or guardian and probation if applicable.

Nothing in this section should prohibit an officer or an investigator from using information obtained from a juvenile.

603.3.3 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.
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Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY
To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Investigation Division supervisor or their authorized designees.
   1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Brooklyn Park Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.
   1. Members shall not become intimately involved with an informant.
   2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigation Division supervisor.
   3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Investigation Division supervisor.
   1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS
The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and,
Informants

if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.
(b) The informant behaves in a way that may endanger the safety of an officer.
(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES
Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigation Division. The Investigation Division supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Investigation Division supervisor or their authorized designees who are required to manage informants as part of their assignment.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigation Division supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE
A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:
Informants

(a) Name and aliases
(b) Date of birth
(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
(d) Photograph
(e) Current home address and telephone numbers
(f) Current employers, positions, addresses and telephone numbers
(g) Vehicles owned and registration information
(h) Places frequented
(i) Briefs of information provided by the informant and his/her subsequent reliability
   1. If an informant is determined to be unsuitable, the informant’s file is to be marked “unsuitable” and notations included detailing the issues that caused this classification.
(j) Name of the officer initiating use of the informant
(k) Signed informant agreement
(l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant’s personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigation Division supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from an Investigation Division buy/expense fund.
   1. The Investigation Division supervisor shall sign the voucher for cash payouts from the buy/expense fund.
Informants

(b) Payments exceeding $500 maybe made by issuance of a check or cash.
   1. The check shall list the case numbers related to and supporting the payment.
   2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
   3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
   4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
   1. The cash transfer form shall include the following:
      (a) Date
      (b) Payment amount
      (c) Brooklyn Park Police Department case number
      (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
   2. The cash transfer form shall be initialed by the informant.
   3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS
Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.6.3 AUDIT OF PAYMENTS
The Investigation Division supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.
Eyewitness Identification

605.1 PURPOSE AND SCOPE
This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

605.1.1 DEFINITIONS
Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

605.2 POLICY
The Brooklyn Park Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

605.3 INTERPRETIVE SERVICES
Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

605.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM
The Investigation Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.
**Eyewitness Identification**

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) An inquiry of the witness to determine whether or not they understood the instructions given to them.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

### 605.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### 605.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. When feasible, officer's should consider that the member presenting a lineup NOT know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.
Eyewitness Identification

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

605.5.2 FIELD IDENTIFICATION CONSIDERATIONS
Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:
1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.
Eyewitness Identification

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

605.6 DOCUMENTATION
A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.
Warrant Service

606.1 PURPOSE AND SCOPE
This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

606.2 POLICY
It is the policy of the Brooklyn Park Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 SUPERVISOR REVIEW
A supervisor (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved officer or investigator to determine the risk level of the warrant service.

A SWAT supervisor will have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS
The officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS
If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the supervisor of the operations. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry
Warrant Service

into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

606.6 WARRANT PREPARATION
An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant’s training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE
A SWAT supervisor or authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for the warrant and the SWAT supervisor should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the
designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE
Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE
The investigator shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL Warrants
The supervisor overseeing the operation will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
Warrant Service

- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to a supervisor. The supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor or investigator from the other agency. The supervisor should ensure that members of the Brooklyn Park Police Department are utilized appropriately. Any concerns regarding the requested use of Brooklyn Park Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance unless a risk assessment is completed and it is determined that the warrant is high risk. In these circumstances the warrant service shall be referred to a Brooklyn Park SWAT supervisor for service.

If officers intend to serve a warrant outside Brooklyn Park Police Department jurisdiction, they should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Brooklyn Park Police Department when assisting outside agencies or serving a warrant outside Brooklyn Park Police Department jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.
Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE
This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS
Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY
It is the policy of the Brooklyn Park Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS SUPERVISOR
The supervisor overseeing any operation will ensure the department risk assessment form is completed to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The supervisor of the operation will review risk assessment forms with other involved supervisors to determine whether a particular incident qualifies as a high-risk operation.

When possible the supervisor shall ensure a "warrant workup" is completed by the crime analyst unit to ensure all information and risks are identified.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT FORM PREPARATION
Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer shall request a "warrant workup" be completed by the crime analyst unit. This "warrant workup" is intended to query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. The work up may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records.
The officer or member of the Crime Analyst Unit should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
(b) Maps of the location.
(c) Diagrams of any property and the interior of any buildings that are involved.
(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW
Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants and warrant work up) to their supervisor.

The supervisor shall confer and determine the level of risk. If it is determined to be High Risk by the criteria established in the risk assessment the SWAT Commander, TRU Commander or their authorized designee shall review the operation before it is conducted.

607.4.3 HIGH-RISK OPERATIONS
If the supervisor of the operation, after consultation with other involved supervisors, determines that the operation is high risk, the supervisor should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Tactical Response Unit (TRU)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Additional surveillance
7. Canines
8. Forensic specialists
9. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.
(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
(d) Coordinate the actual operation.

607.5 DECONFLICTION
Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN
When feasible, the SWAT supervisor should ensure that a written operations plan is developed for all high-risk operations involving the TRU. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.
(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,
Operations Planning and Deconfliction

- availability of keys/door combinations, including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids.

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children.

(c) Information from the risk assessment shall be retained in a data base.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. All participants will be clearly identified as law enforcement unless special approval is given.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants’ understanding of the operations plan.
(b) The operation supervisor shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(c) The briefing should include details of the communications plan.

1. It is the responsibility of the operation supervisor to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 MEDIA ACCESS
No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.9 OPERATIONS DEBRIEFING
High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any TRU debriefing.
Scrap Metal Theft Investigation

608.1 PURPOSE AND SCOPE
This policy provides guidance regarding scrap metal theft investigations.

608.1.1 DEFINITIONS
Definitions related to this policy include:

Scrap vehicle operator or operator - A person described in Minn. Stat. § 168A.1501 who engages in a transaction involving the purchase or acquisition of a scrap vehicle.

Scrap metal dealer or dealer - A person engaged in the business of buying or selling scrap metal, or both, as defined in Minn. Stat. § 325E.21.

608.2 POLICY
The Brooklyn Park Police Department recognizes the difficulty in preventing scrap metal theft and may investigate, place holds on or confiscate items as provided in this policy.

608.3 INSPECTIONS
An officer engaged in scrap metal theft investigations may (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21):

(a) Conduct inspections of any purchase and acquisition records maintained by scrap vehicle operators or scrap metal dealers.

(b) Inspect scrap vehicle or scrap metal received by an operator or dealer at any reasonable time.

(c) Inspect any video or still camera and any recordings or images required to be maintained by an operator or dealer.

Any refusal to allow such inspections should be referred to the City attorney for criminal prosecution.

608.4 INVESTIGATIVE HOLDS
An officer who has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator, or that scrap metal in the possession of a scrap metal dealer, is stolen or is evidence of a crime may verbally order the operator or dealer not to process, sell, remove or allow the removal of the item for 30 days (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

The officer issuing the order is responsible for ensuring that the order to hold the item is confirmed in writing within 72 hours. If the item is identified as evidence in an active criminal case, the officer may extend the hold in writing. This extension must occur within 30 days of the original order and may remain in effect for as long as the investigation or prosecution is active.
Scrap Metal Theft Investigation

608.5 SEIZING ITEMS
The investigating officer should confer with the prosecuting attorney to determine whether the item should be confiscated. If the item is evidence or otherwise needed for an investigation or prosecution, the officer may issue a written notice to confiscate any time during the investigative hold. The officer shall take custody of the item within 15 days of the notice to confiscate (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

When an item is confiscated, the officer shall:

(a) Provide the operator or dealer a property receipt that includes at least the following:
   1. The name and telephone number of the Department.
   2. The name and telephone number of the officer.
   3. The case number related to the confiscation.

(b) Deliver the item to the Property and Evidence Unit.

When a confiscated item is no longer needed for an investigation or prosecution, it may be returned to a registered owner only after giving the operator or dealer from whom the item was seized written notice of intent to do so. The written notice should include notice of the right of the operator or dealer to make a written request for return of the item and that if the Department does not return the item within 48 hours of the request, excluding Saturday, Sunday or legal holidays, the operator or dealer may file a petition for the return of the item in the district court in the district in which the property was seized (Minn. Stat. § 626.04).

608.6 TERMINATION OF HOLD OR NOTICE TO CONFISCATE
At the conclusion of any investigation and prosecution, the officer who issued the investigative hold or a notice to confiscate property not yet confiscated shall notify the operator or dealer in writing that the hold or notice is no longer in effect (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).

608.7 AUTOMATED PROPERTY SYSTEM
The Investigation Unit supervisor is responsible for ensuring that the Department complies with the implementation and use of the Automated Property System (APS) (Minn. Stat. § 168A.1501; Minn. Stat. § 325E.21).
Investigative On-Call Policy

609.1 PURPOSE
The purpose of this order is to ensure the timely response of the on-call detective so that a detective is readily available to respond to active duty during off-duty hours.

609.2 SCOPE
This order pertains to detectives in the investigative division. Detectives are subject to being called back to duty for the immediate follow up and investigation of a crime. This may include personnel assigned to units such as Safe Streets, VOTF, NWDTF or the CRU/Juvenile Unit.

609.3 POLICY
It shall be the policy of the Brooklyn Park Police Department that at least one (1) on-call detective will always be readily available to respond to active duty during off-duty hours when so requested by department personnel at the direction of a police supervisor. The length of the on-call assignment will be determined by the Investigative Commander and may vary based upon need.

All long-term and rotating detectives, as well as other police officers temporarily assigned to a detective position, are subject to being the on-call detective.

When so ordered by a police supervisor or their designee, the on-call detective will respond, as soon as practicable to the location where they have been requested. It expected that while on-call the detective is available to respond to the police department for active duty. This includes being in reasonable proximity to their home or the City of Brooklyn Park. The on-call detective shall contact a supervisor as soon as possible in the event they are delayed, become ill or are unable to respond when requested.

The on-call detective may take home an investigative vehicle and use it to travel to and from their residence and the police department while on-call. Use of a “take home” vehicle shall be consistent with the city’s vehicle use policy. On-call compensation shall be consistent with the current Labor Agreement between the Brooklyn Park Police Federation and the City.
Chapter 7 - Equipment
Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY
All property issued shall be documented and recorded in Aegis. Upon an employee’s separation from the Department, all issued equipment shall be returned to a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee’s intentional or negligent abuse or misuse of department property may lead to discipline.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall make an appropriate investigation. The supervisor shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY
The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Division Commander. The employee should submit for approval the description of personal property the employee has requested to carry,
the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties nor comprising a weapon are excluded from this requirement. The Chief of Police or appropriate Division Commander should review the request and approved or deny the request as appropriate.

700.3.1 DEFINITIONS

**Personal Property** - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee’s immediate supervisor. The supervisor may require a separate written report of the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by a supervisor, who will then forward the claim to Human Resources/Risk Management.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee’s immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

**700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee’s immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

**700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to personal property or property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as
Department-Owned and Personal Property

circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.
Personal Communication Devices

701.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.1.1 PRIVACY POLICY
Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

701.2 POLICY
The Brooklyn Park Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee’s PCD records to civil or criminal discovery or disclosure under applicable data practices laws and rules of civil or criminal procedures.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.2.1 USE OF PERSONAL COMMUNICATION DEVICES
The use of Department issued PCD shall occur only with the understanding that any and all messages transmitted or received from are subject to disclosure to, and review by, the Department, without cause.
Personal Communication Devices

(a) A PCD shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is contained within a Department-approved carrier.

(b) Department issued PCD may not be used to conduct personal business while on-duty, except when brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business, such usage should be limited as much as practicable to areas where the communication will not be seen or heard by the public.

(c) The on-duty use of PCDs, including personally owned PCDs, for purposes other than what is specifically permitted within this policy is prohibited and may be subject to discipline.

701.3 DEPARTMENT-ISSUED PCD
Depending on an employee’s assignment and the needs of the position, the Department may at its discretion issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

The use of any Department owned device is restricted to work related activity. Employees may make brief phone calls home to alert immediate family of schedule changes etc.

701.4 PERSONALLY OWNED PCD
Employees may carry a personally owned PCD while on-duty subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.

(b) The Department accepts no responsibility or liability for loss of or damage to a personally owned PCD.

(c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee’s expense.

(e) The device should not be used for work-related purposes except in exigent circumstances, (e.g. unavailability of radio communications).

(f) The device shall not be utilized to record or disclose any business-related data, including photographs, video or the recording or transmittal of any data or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(g) Use of a personally owned PCD for work related activities constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will
provide the Department with all telephone access numbers of the device if requested to do so.

(h) All work-related documents, e-mails, photographs, recordings or other public records created or received on a member’s personally owned PCD should be transferred to the Brooklyn Park Police Department and deleted from the member’s PCD as soon as reasonably practicable.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a Department issued or personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.4.1 PUBLIC RECORDS
Work related information including data created, received, recorded or stored on a personally owned PCD in the course of department duties is considered government data subject to the requirements of the Minnesota Government Data Practices Act and discovery obligations (Minn. Stat. § 13.01 et seq.).

701.5 SUPERVISORY RESPONSIBILITIES
Supervisors should monitor, to the extent reasonably practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

701.6 USE WHILE DRIVING
The hand held use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles shall restrict the hand held use of these devices to matters involving official duties and, where reasonably practicable, stop the vehicle at an appropriate location to use the PCD (Minn. Stat. § 169.475). Nothing in this policy prohibits the hands free use of a PCD.
Vehicle Maintenance

702.1 PURPOSE AND SCOPE
Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE
Vehicles that have been damaged (or may have been damaged) or perform poorly shall immediately be reported to a supervisor and removed from service for inspection and repair as soon as practicable.

702.2.2 SEVERE USE
Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, may be removed from service and subjected to a safety inspection as soon as reasonably possible. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS
All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- road flares
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 blanket
Vehicle Maintenance

• 1 fire extinguisher
• 1 traffic safety vest

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Public data should be placed in a designated receptacle provided for the shredding of this matter.

702.6 CIVILIAN EMPLOYEE USE
Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Vehicle Use

703.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Brooklyn Park to provide assigned take-home vehicles.

703.2 POLICY
The Brooklyn Park Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.2.1 SHIFT ASSIGNED VEHICLES
Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on-duty. If the vehicle is not equipped with a working in-car computer, they shall notify Dispatch for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Patrol Lieutenant shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

703.2.2 UNDERCOVER VEHICLES
Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

703.2.3 AUTHORIZED PASSENGERS
Personnel operating Department-owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

703.2.4 PARKING
City-owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City-owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3 USE OF VEHICLES
Vehicle Use

703.3.1 INSPECTIONS
Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.2 SECURITY AND UNATTENDED VEHICLES
Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.3 MOBILE DIGITAL COMPUTER
Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.4 VEHICLE LOCATION SYSTEM
Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Commander approval.
Vehicle Use

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.5 KEYS
Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member’s chain of command.

703.3.6 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.7 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.8 PARKING
Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.9 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.10 CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.
Vehicle Use

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE
Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.
(b) Other reasonable transportation options are not available.
(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Brooklyn Park City limits.
(d) Off-street parking will be available at the member’s residence.
(e) Vehicles will be locked when not attended.
(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES
Assignment of take-home vehicles shall be based on the location of the member’s residence; the nature of the member’s duties, job description and essential functions; and the member’s employment or appointment status. Residence in the City of Brooklyn Park is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Brooklyn Park may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member’s tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
(b) Vehicles may be used to transport the member to and from the member’s residence for work-related purposes.
(c) Vehicles will not be used when off-duty except:
**Vehicle Use**

1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.

2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.

3. When the member has received permission from the Chief of Police or Division Commanders.

4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.

5. When the vehicle is being used by on-call investigators.

   (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

   (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

   (f) Unattended vehicles are to be locked and secured at all times.

      1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).

      2. All weapons shall be secured while the vehicle is unattended.

      3. All department identification, portable radios and equipment should be secured.

   (g) Vehicles are to be parked off-street at the member’s residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

   (h) Vehicles are to be secured at the member’s residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

      1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.

      2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

   (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Brooklyn Park Police Department or while off-duty, an officer shall not initiate enforcement actions except
Vehicle Use

in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

(b) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) All weapons shall be removed from any vehicle left for maintenance.

(f) Supervisors shall make, at a minimum, quarterly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any collision report shall be filed with the agency having jurisdiction (see the Traffic Collisions Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Lieutenant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.5.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the Assigned Vehicle Program manager.
Vehicle Use

703.6 ATTIRE AND APPEARANCE
When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.
Operating Without Lights

704.1 PURPOSE
To ensure compliance with applicable Minnesota Statutes and Standards as adopted by the Minnesota Peace Officers Standards and Training Board.

704.2 DEFINITION
Operating without Lights: Means a peace officer operating a vehicle or watercraft without lights as an exception to Minnesota Statute 84.87, 84.928, 86B.511, and 169.48 to 169.65.

704.3 PROCEDURE
A peace officer or employee of this agency may not operate without lights when:

(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 peace officer is an active participant in pursuing a motor vehicle being operated in violation of Minnesota Statute 609.487;
(d) contrary to the elements listed in Minnesota Statute 609.487;
(e) contrary to any written policies, procedures or general orders established by this agency.
Cash Handling, Security and Management

705.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence Unit and Informants policies.

705.2 PETTY CASH FUNDS
The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

705.3 PETTY CASH TRANSACTIONS
The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

705.4 PETTY CASH AUDITS
The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City Finance Department.

705.5 ROUTINE CASH HANDLING
Those who handle cash as part of their property or Investigation Division supervisor duties shall discharge those duties in accordance with the Property and Evidence Unit and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.
705.6 OTHER CASH HANDLING
Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Unit and Informants policies.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

705.7 POLICY
It is the policy of the Brooklyn Park Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.
Personal Protective Equipment

706.1 PURPOSE AND SCOPE
This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

706.1.1 DEFINITIONS
Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

706.2 POLICY
The Brooklyn Park Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 OFFICER RESPONSIBILITIES
Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Workplace Accident and Injury Reduction Policy to recommend new or improved PPE or additional needs for PPE.

706.4 HEARING PROTECTION
Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed industry standards for use at firing ranges (29 CFR 1910.95; Minn. R. 5205.0010).

706.5 EYE PROTECTION
Approved eye protection shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection
that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133; Minn. R. 5205.0010).

706.6 HEAD AND BODY PROTECTION
Members who engage in crowd control should be provided ballistic head protection with an attachable face shield. Officers shall wear disposable gloves anytime they have contact with a person or object contaminated by blood or a potentially infectious material. At no time is an officer expected to jeopardize their safety or another's to put gloves on before taking immediate action if needed. Officers should wear patrol gloves anytime they are searching an automobile or picking up a hypodermic needle or other sharp object.

706.7 RESPIRATORY PROTECTION
BPPD is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; Minn. R. 5205.0010):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
(c) Medical evaluations.
(d) PPE inventory control.
(e) PPE issuance and replacement.
(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
(g) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

706.7.1 RESPIRATORY PROTECTION USE
Designated members may be issued respiratory PPE based on the member’s assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member’s
degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; Minn. R. 5205.0010):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge, or canister.

706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION
Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; Minn. R. 5205.0010):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

706.7.3 GAS MASK
Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; Minn. R. 5205.0010).

A scene commander may order the use of gas masks in situations where the use of an SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste, or are irritated by a contaminant.
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(b) They experience difficulty breathing due to filter loading.
(c) The cartridges or filters become wet.
(d) The expiration date on the cartridges or canisters has been reached.

706.7.4 SELF-CONTAINED BREATHING APPARATUS
Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.
(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

706.7.5 RESPIRATOR FIT TESTING
No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; Minn. R. 5205.0010).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; Minn. R. 5205.0010):

(a) At least once every 12 months.
(b) Whenever there are changes in the type of SCBA or facepiece used.
(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

706.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; Minn. R. 5205.0010):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
(b) A physician or other licensed health care professional has reviewed the questionnaire.
(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

706.8 RECORDS
The Training Officer is responsible for maintaining records of all:

(a) PPE training.
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(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

   1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020 and Minn. R. 5205.0010.

706.9 TRAINING
Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; Minn. R. 5205.0010).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; Minn. R. 5205.0010).
DOD LESO (1033 Program)

707.1   DOD LESO
The Brooklyn Park Police Department participates in the DOD LESO program that is administered and overseen by the state of Minnesota. The MN Department of Public safety, Division of Homeland security and Emergency Management provides the oversight and management for all Law Enforcement agencies within the state.

The Brooklyn Park Police Department will work with the MN state LESO coordinator to acquire, transfer, and inventory all LESO property assigned to the department.

707.2   ADMINISTRATOR
The Chief of Police will assign a Main Point of Contact or administrator of the program for the department.

The administrator will be the main point of contact for Minnesota state HSEM personnel and DOD personnel. The administrator will also oversee all annual inventories and audits conducted. The administrator will also ensure that the State Plan of Operation is completed, and the department is certified annually. The administrator will be in charge keeping all paperwork and records associated with the program.

The department’s administrator will designate up to 4 property screeners as needed. The screeners will be tasked with looking for excess property that can be of use to the department. The administrator will approve all property transfers found by the screeners to the police department. The screeners will forward all paperwork including 1348s from the transfers to the administrator.

707.3   PROPERTY
All transferred property will be inventoried and used by the Brooklyn Park Police department personnel for official duties only.

The transferred property will not be loaned to other groups or entities that are not authorized to participate in the program. If temporarily loaned to an authorized participant in the program, an Equipment Custody Receipt will be used.

Property can be permanently transferred only if approved by LESO through the state coordinator. All received controlled property will be kept secured. All other property will be documented as to who has control of it and its use. Demil A and Q6 property will be become the property of BPPD after one year and no longer be included on the LESO annual inventories.

All personnel issued property from the LESO program will be trained on its use and maintenance. The use of the property will be authorized and evaluated by a supervisor.

All controlled property will be returned to the Defense Logistics Agency or transferred through the LESO program when it is no longer needed by Brooklyn Park Police.
Chapter 8 - Support Services
Crime Analysis

800.1  PURPOSE AND SCOPE
Crime analysis should provide currently useful information to aid operational personnel in meeting its tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2  DATA SOURCES
Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and probation records
- Computer Aided Dispatch data
- Department of Public Safety - Crime Records Service

800.3  CRIME ANALYSIS FACTORS
The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4  CRIME ANALYSIS DISSEMINATION
For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.
Property and Evidence Unit

801.1 PURPOSE AND SCOPE
This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property. Property belonging to persons in custody should be handled pursuant to policies guiding Juvenile Temporary Custody, Temporary Holding Facility, Jail Operations, and the operations procedures for each facility or operation.

Also See SOP 801

801.1.1 PROPERTY AND EVIDENCE UNIT SECURITY
The Property and Evidence Unit shall maintain secure storage and control of all property necessitating custody by the Department. The Property Clerk reports to the Investigations Division supervisor and is responsible for the security of the Property and Evidence Unit. Property and Evidence Unit keys are maintained only by the Property Clerk and the Investigative Division supervisor. The Property Clerk and the Division supervisor shall not loan Property and Evidence Unit keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence Unit other than the Property Clerk must be accompanied by the Property Clerk or the Division supervisor and must sign in and out on the logbook giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

801.2 DEFINITIONS
Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:
- Property obtained by the Department for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

Found Property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

801.3 PROPERTY HANDLING
Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage
room, along with the property receipt. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (Minn. Stat. § 626.04(a)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (Minn. Stat. § 626.04(b) and Minn. Stat. § 629.361).

An officer arresting a person for burglary, robbery or a theft offense shall use reasonable diligence to secure the property that was alleged to have been stolen and shall be answerable for it while it remains in his/her custody (Minn. Stat. § 629.361).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. Release of any such property not booked must be documented within the related police report.

801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property description file describing each item of property separately, listing all serial numbers, owner’s name, finder’s name and other identifying information or markings.

(b) All items should be individually packaged, labeled and the package marked with initials and date.

(c) Complete an evidence/property barcode sticker and attach it to each package or envelope in which the property is stored.

(d) A copy of the property receipt shall be submitted with the case report. The original property receipt shall be placed with the property in the temporary property locker.

(e) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in the property garage or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property receipt placed in the drop slot or a numbered property locker indicating the location of the property.

801.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately. Drug paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by the original copy of the property receipt.
801.3.3 EXPLOSIVES
Officers who encounter a suspected explosive device shall promptly notify the immediate supervisor or the Patrol Lieutenant. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Clerk is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

801.3.4 EXCEPTIONAL HANDLING
Certain property items require a separate process. The following items shall be processed in the described manner:

   (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.
   (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Clerk or placed in the designated container for return to the Minnesota Department of Driver and Vehicle Services. No formal property booking process is required.
   (c) All bicycles and bicycle frames that are taken as evidence, have a known owner or have a significant monitory value require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Clerk, or placed in the bicycle storage area until a Property Clerk can log the property. Exceptions to this exists for Rideshare bicycles/scooters in the Property and Evidence Room SOP – 801.5
   (d) All cash shall be counted and the envelope initialed by the officer. A supervisor shall be contacted for cash in excess of $200. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.
   (e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property receipt.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 COURT-ORDERED FIREARM SURRENDERS
   (a) Although not required, this department generally will accept firearms surrendered by an abusing party or defendant pursuant to a court order. A decision to refuse a surrendered firearm should be approved by a supervisor (Minn. Stat. § 260C.201, Subd. 3; Minn. Stat. § 518B.01, Subd. 6; Minn. Stat. § 609.2242, Subd. 3; Minn. Stat. § 609.749, Subd. 8).
(b) Members accepting surrendered firearms should complete a standardized Firearms Transfer Receipt, if available. If a standard form is not available, use an Evidence/Property form and include the following information:

(a) Whether the firearm is being transferred temporarily or permanently
(b) The abusing party or defendant’s name
(c) The date and time of the transfer
(d) Complete description of all firearms surrendered (e.g., make, model, serial number, color, identifying marks)

(c) Officers receiving firearms should
1) review the order issued by the court
2) ensure that the firearm is unloaded
3) provide the defendant with a copy of the completed form
4) inventory the surrendered firearm(s)
5) Generate a Case Number titled "Surrendered Firearm"

(d) In certain circumstances, a court may issue an order for the immediate transfer of firearms of an abusing party or defendant.

1. BPPD may serve the court order either by assignment or when an officer comes into contact with an abusing party or defendant for which a court order has been issued but has not been served, or for which they are in violation. In such cases, if there are firearms that may be lawfully seized, they should be seized and submitted to the Property and Evidence Unit pursuant to standard protocol.
2. If the abusing party or defendant is not cooperative, seek guidance from legal counsel to ensure that firearms are seized lawfully.
3. Permits possessed by the abusing party or defendant should be returned to the Sheriff where the person resides.

(e) The Property and Evidence Unit shall develop and maintain a process to store, transfer or release firearms ordered surrendered by a court. The procedures shall:

1. Provide for adequate storage and protection so as to preserve the condition of the firearms.
2. Require a valid court order or written notice from the abusing party or defendant to be presented before any transfer of the firearms.
3. Ensure that recipients of transferred firearms are not legally prohibited from possession of firearms under state or federal law.
4. Ensure that proper affidavits or proof of transfer are obtained from any designated firearms dealer or third party.
5. Ensure that prior to disposition of unclaimed firearms, abusing parties or defendants are notified via certified mail.
801.4 PACKAGING OF PROPERTY
Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately or not booked in as follows:

(a) Controlled substances
(b) Firearms (ensure they are unloaded and booked separately from ammunition)
(c) Property with more than one known owner
(d) Drug paraphernalia
(e) Fireworks
(f) Electronic Delivery Devices (E-cigarette/Vape Pen Devices)
(g) Contraband

801.4.1 PACKAGING CONTAINER
Employees shall package all property, except controlled substances in a suitable container available for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 PACKAGING CONTROLLED SUBSTANCES
The officer seizing controlled substances shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the temporary property locker, accompanied by a copy of the property receipt. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. If conducted, the results of this test shall be included in the officer's report.

Controlled substances shall be packaged in an envelope of appropriate size, available in the staging room. The booking officer shall initial the sealed envelope. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs separate from the container in which it was seized. A full description of the item will be placed in the case report and on the property label. Narcotics and the container it was seized in shall be packaged separately.

The weight of the narcotics shall be written on the outside of the package. The item shall be initialed and dated by the packaging officer.

The integrity of the seal on the packaging shall be verified every time the narcotic is checked in or out of the Property and Evidence Unit. Any broken or tampered seal should be immediately reported to a supervisor.
801.4.3 RIGHT OF REFUSAL
The Property Clerk has the right to refuse any piece of property that is not properly documented or packaged. Should the Property Clerk refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting officer. Any property that is improperly packaged (ie. Not heat sealed or initialed properly, cash not inventoried properly, etc.) shall be rejected by the property clerk completing the intake of the property and the officer/employee responsible for the inventory process shall be given notice to complete the process correctly. The supervisor of that officer/employee shall also be notified.

801.5 RECORDING OF PROPERTY
The Property Clerk receiving custody of evidence or property shall create a property record for each piece of property received. The property record will be the permanent record of the property in the Property and Evidence Unit. The Property Clerk will record his/her signature, GPW if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored on the property record.

A property data base shall be maintained and a unique property number created for each piece of property received. The data base shall record by property number, the date received, case number, bar code number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the data base. This number shall be recorded on the property bar code and the property control card.

Any changes in the location of property held by the Brooklyn Park Police Department shall be noted in the property data base.

801.6 PROPERTY CONTROL
Each time the Property Clerk receives property or releases property to another person, he/she shall enter this information in the property record. Officers desiring property for court shall contact the Property Clerk at least one day prior to the court day.

801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL
Every time property is released or received, an appropriate entry in the property data base shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the Property Clerk. This request may be filled out any time after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, indicating the date and time on the property receipt and the request for laboratory analysis.

The Property Clerk releasing the evidence must complete the required information in the property database and the property receipt. The lab forms will be transported with the property to the...
examining laboratory. Upon delivering the item involved, the BPPD employee will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the property receipt and the copy will be provided to the Support Services Division for filing with the case.

801.6.3 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the property data base, stating the date, time and to whom it was released.

The Property Clerk shall obtain the signature of the person to whom property was released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the property data base, indicating date, time and the person who returned the property.

801.6.4 AUTHORITY TO RELEASE PROPERTY
The Property Clerk shall not release any property without a signed authorization from an appropriate authorized member of the Department. The Investigation Unit shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

Property held as evidence for a pending criminal investigation or proceeding shall be retained for a period of time no less than that required pursuant to Minn. Stat. § 628.26.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a Property Clerk shall, upon the request of the owner:

(a) Provide a list describing the property unless such release would seriously impede an investigation.

(b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property in accordance with the requirements of Minn. Stat. § 609.523.

801.6.5 RELEASE OF PROPERTY
All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item(s) to be released. Release of all property shall be properly documented.
With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Unless the auction is Internet based, property with an estimated value of $500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

A Property Clerk shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered in the data base, the property receipt be forwarded to the Support Services Division for filing with the case. If some items of property have not been released, the property receipt will remain with the Property and Evidence Unit.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

801.6.6 STOLEN OR EMBEZZLED PROPERTY
Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the owner (Minn. Stat. § 609.523 Subd. 3). Such property may be released from law enforcement custody when the following are satisfied:

(a) Photographs of the property are filed and retained by the Property and Evidence Unit.

(b) Satisfactory proof of ownership of the property is shown by the owner.

(c) A declaration of ownership is signed under penalty of perjury.

801.6.7 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

801.6.8 RELEASE AND DISPOSAL OF FIREARMS
A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922.
The Department shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner (Minn. Stat. § 609.5315 Subd. 7). At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy.

801.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Clerk shall request a disposition or status on all property that has been held in excess of 120 days and for which no disposition has been received from a supervisor or investigator.

801.7.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances.
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment.
- Gaming devices.
- Obscene matter ordered to be destroyed by the court.
- Altered vehicles or component parts.
- Controlled substances.
- Unclaimed, stolen or embezzled property.
- Destructive devices.
- Electronic Delivery Devices (E-cigarette/Vape Pen Devices)

Money found in gambling devices by any peace officer, other than a municipal police officer, shall be paid into the county treasury. Money found in gambling devices by a municipal police officer shall be paid into the treasury of the municipality (Minn. Stat. § 626.04 (b)).

801.7.2 UNCLAIMED MONEY
If found or seized money is no longer required as evidence and remains unclaimed after three years, the money is presumed abandoned property and is reportable as specified in policy 801.8, Minn. Stat. § 345.38 and Minn. Stat. § 345.75).
801.7.3 SHERIFF SEIZURES AND SALES
A deputy may seize and retain any personal property abandoned upon any public way, sidewalk or other public place, or any property entered as evidence in a judicial proceeding following its release by the court (Minn. Stat. § 345.15). After holding the property for a period of at least 90 days, it may be sold at a public auction. The net proceeds of the sale shall be transferred to the general revenue fund of the county, minus the cost of handling, storage or sale.

801.7.4 RETENTION OF BIOLOGICAL EVIDENCE
The Property Technician shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant
(b) The defendant’s attorney
(c) The appropriate prosecutor
(d) Any sexual assault victim
(e) The Investigation Division Supervisor

Biological evidence shall be retained for a minimum period established by law, the Property and Evidence Unit Supervisor or the expiration of any sentence imposed related to the evidence (Minn. Stat. § 590.10), whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor’s office.

Bulk evidence may be destroyed prior to these minimum retention periods only pursuant to a court order or if the Property and Evidence Unit Supervisor determines that such destruction is consistent with Minn. Stat. § 590.10 and the above notices have been made.

801.8 REPORT OF ABANDONED PROPERTY (MONEY)
The Investigations Division supervisor (or designee) shall complete an annual report of presumed abandoned property as described in law to the Commissioner of Commerce. The report is to cover the 12-month period ending July 1 each year and is to be filed before October 31 each year (Minn. Stat. § 345.41).
801.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE UNIT
On a monthly basis, the property room supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a Division Commander who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

(c) Whenever a change is made in personnel who have access to the Property and Evidence Unit, a random inventory of all evidence/property shall be made by an individual(s) not associated with the Property and Evidence Unit or function to ensure that records are correct and all evidence property is accounted for. This inventory shall include no less than 40 random items from general property and 40 items from the enhanced security vault. A report of findings shall be submitted to the Chief of Police.
Records Maintenance and Release

802.1 PURPOSE AND SCOPE
This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

Supporting Document: Redacted Report Procedure

802.1.1 DEFINITIONS
Definitions related to this policy include:

Confidential Data on Individuals - Data classified as confidential by state or federal law and that identifies individuals and cannot be disclosed to the public or even to the individual who is the subject of the data (Minn. Stat. § 13.02, Subd. 3).

Corrections and Detention Data - Data on individuals created, collected, used or maintained because of their lawful confinement or detainment in state reformatories, prisons and correctional facilities, municipal or county jails, lockups, work houses, work farms and all other correctional and detention facilities (Minn. Stat. § 13.85, Subd. 1).

Data on Individuals - All government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual (Minn. Stat. § 13.02, Subd. 5).

Government Data - Data collected, created, received, maintained or disseminated by this department regardless of its physical form, storage media or conditions of use (Minn. Stat. § 13.02, Subd. 7).

Private Data - Data classified as private by state or federal law and that identifies individuals that are only available to the individual who is the subject of the data or with the individual's consent (Minn. Stat. § 13.02, Subd. 12).

802.2 POLICY
The Brooklyn Park Police Department is committed to providing public access to records and data in a manner that is consistent with the Minnesota Government Data Practices Act (MGDPA) and Official Records Act (Minn. Stat. § 13.03; Minn. Stat. § 15.17).

802.3 CUSTODIAN OF RECORDS RESPONSIBILITIES
The Chief of Police shall designate a Custodian of Records The responsibilities of the Custodian of Records include, but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department data (Minn. Stat. § 15.17; Minn. Stat. § 138.17, Subd. 7).
Records Maintenance and Release

(b) Maintaining and updating the department records retention schedule including:
   1. Identifying the minimum length of time the Department must keep data.
   2. Identifying the department division responsible for the original data.

(c) Establishing rules regarding the inspection and copying of department data as reasonably necessary for the protection of such data.

(d) Identifying data or portions of data that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of data.

(f) Ensuring a current schedule of fees for public data as allowed by law is available.

(g) Ensuring the posting or availability to the public a document that contains the basic rights of a person who requests government data, the responsibilities of the Department and any associated fees (Minn. Stat. § 13.025).

(h) Ensuring data created by the Department is inventoried and subject to inspection and release pursuant to lawful requests consistent with the MGDPA requirements (Minn. Stat. § 13.03, Subd. 1).

802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS
Any department member who receives a request for data shall adhere to "Data Practices Guidelines" when determining if data may or may not be released.

802.4.1 REQUESTS FOR RECORDS
The processing of requests for data is subject to the following:

(a) A person shall be permitted to inspect and copy public government data upon request at reasonable times and places and shall be informed of the data’s meaning if requested (Minn. Stat. § 13.03, Subd. 3).

1. The Department may not charge or require the requesting person to pay a fee to inspect data. Inspection includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies, unless printing a copy is the only method to provide for inspection of the data (Minn. Stat. § 13.03, Subd. 3(b)).

2. For data stored and made available in electronic form via remote access, public inspection includes allowing remote access by the public to the data and the ability to print copies or download the data. A fee may be charged for remote access to data where either the data or the access is enhanced at the request of the person seeking access (Minn. Stat. § 13.03, Subd. 3(b)).

(b) Government data maintained by this department using a computer storage medium shall be provided in that medium in electronic form, if a copy can be reasonably made. The Department is not required to provide the data in an electronic format or program that is different from the format or program in which the data is maintained (Minn. Stat. § 13.03, Subd. 3 (e)).

(c) The Department is not required to create records that do not exist.
(d) The Custodian of Records or designee processing the request shall determine if the requested data is available and, if so, whether the data is restricted from release or denied. The Custodian of Records or designee shall inform the requesting person of the determination either orally at the time of the request or in writing as soon after that time as reasonably possible. The Custodian of Records or designee shall cite the specific statutory section, temporary classification or specific provision of state or federal law on which the determination is based. Upon the request of any person denied access to data, the denial shall be certified in writing (Minn. Stat. § 13.03, Subd. 3 (f)).

(e) When a record contains data with release restrictions and data that is not subject to release restrictions, the restricted data shall be redacted and the unrestricted data released. See Redacted Report Procedure

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

2. Documentation of who the information was released to is required and should be noted on the electronic case file.

802.5 RELEASE RESTRICTIONS

Example of release restrictions include:

(a) Personal identifying information, including an individual’s photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver’s license record, motor vehicle record or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Private data on the following individuals (Minn. Stat. § 13.82, Subd. 17):

1. An undercover law enforcement officer.

2. A victim or alleged victim of criminal sexual conduct, or sex trafficking, or of a violation of Minn. Stat. § 617.246, Subd. 2.

3. A paid or unpaid informant if the Department reasonably believes revealing the identity would threaten the personal safety of the informant.

4. A victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the Department reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual.

5. A person who placed a call to a 9-1-1 system or the identity of the person whose phone was used to place a call to the 9-1-1 system when revealing the identity may threaten the personal safety or property of any person or the purpose of
the call was to receive help in a mental health emergency. A voice recording of a call placed to the 9-1-1 system is deemed to reveal the identity of the caller.

6. A juvenile witness when the subject matter of the investigation justifies protecting the identity of the witness.

7. A mandated reporter.

(c) Audio recordings of calls placed to the 9-1-1 system requesting law enforcement, fire or medical agency response, except that a written transcript of the call is public unless it reveals the identity of protected individuals. (Minn. Stat. § 13.82, Subd. 4).

(d) Criminal investigative data involving active cases and inactive investigative data (Minn. Stat. § 13.82, Subd. 7):

1. If the release of the data would jeopardize another ongoing investigation or would reveal the identity of protected individuals or is otherwise restricted.

2. Images and recordings, including photographs, video and audio records that are clearly offensive to common sensibilities. However, the existence of any such image or recording shall be disclosed.

3. As otherwise restricted by law.

(e) Juvenile records and data (Minn. Stat. § 260B.171).

(f) State criminal history data held in the Bureau of Criminal Apprehension (BCA) database including, but not limited to, fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data (Minn. Stat. § 13.87).

(g) Traffic collision reports and related supplemental information (Minn. Stat. § 169.09, Subd. 13).

(h) Corrections and detention data (Minn. Stat. § 13.85).

(i) Personnel data except, unless otherwise restricted, (Minn. Stat. § 13.43, Subd. 2):

1. Name, employee identification number and some aspects of compensation.

2. Job title, bargaining unit, job description, education and training background and previous work experience.

3. Date of first and last employment.

4. Existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.

5. Final disposition of any disciplinary action together with the specific reasons for the action, and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of this department.

6. Terms of any agreement settling any dispute arising out of an employment relationship.

7. Work location, work telephone number, badge number and honors and awards received.
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8. Time sheets or other comparable data only used to account for an employee’s work time for payroll purposes, excluding the use of sick or other medical leave or other nonpublic data.

9. All other personnel data regarding employees of this department are private data and may only be released as authorized by that classification.

(j) Any data that was created under the direction or authority of the City Attorney exclusively in anticipation of potential litigation involving this department shall be classified as protected nonpublic or confidential data while such action is pending (Minn. Stat. § 13.39).

(k) All data collected by an Automated License Plate Reader (ALPR) on individuals or nonpublic data absent an exception (Minn. Stat. § 13.82; Minn. Stat. § 13.824).

(l) Response or incident data, so long as the Custodian of Records determines that public access would likely endanger the physical safety of an individual or cause a perpetrator to flee, evade detection or destroy evidence (Minn. Stat. § 13.82, Subd. 14).

Any other record not addressed in this policy shall not be subject to release where such record is classified as other than public data. All public data shall be released as required by the MGDPA (Minn. Stat. § 13.03, Subd. 1).

802.6 PROTECTION OF IDENTITIES (SECTION 13.82., SUBD. 17)

A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances (if you are in doubt of case status, check MGA for appearance information on arrested individuals):

(a) When access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5; Undercover law enforcement officer information must be redacted from report and can only be released if it is closed.

(b) When access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2; Only subject of data may receive or the parents or legal guardians. When public, may be released, however, victim’s name and identifying information must be redacted.

(c) When access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant; becomes public when closed, but you must redact informant’s name and identifying information before releasing.

(d) When access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual; becomes public when closed, but you must redact victim’s and/or witness’ name and identifying information before releasing.
(e) When access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred; Becomes public when closed, but you must redact deceased person’s name and identifying information before releasing.

(f) When access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller; becomes public when closed, but you must redact identity of 911 or identity of phone number and identifying information before releasing. If the object of the call is to receive help in a mental health emergency, report becomes public when closed, however, caller name must be redacted.

(g) When access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; becomes public when closed, but you must redact identity of juvenile witness and identifying information before releasing report.

(h) When access to the data would reveal the identity of a mandated reporter under section 609.456, 626.556, or 626.557. Becomes public when closed, but you must redact identity of 911 or identity of phone number and identifying information before releasing.

802.7 SUBPOENAS AND DISCOVERY REQUESTS
Any member who receives a subpoena duces tecum or discovery request for data should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the City Prosecutor, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

802.8 EXPUNGEMENT
A petition for expungement and expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records or designee.
802.8.1 PETITION FOR EXPUNGEMENT
When responding to a petition for expungement, the Custodian of Records shall inform the court and the individual seeking expungement that the response contains private or confidential data (Minn. Stat. § 609A.03, Subd. 3).

802.8.2 ORDERS OF EXPUNGEMENT
The Custodian of Records shall expunge such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once a record is expunged, members shall respond to any inquiry as though the record did not exist.

Upon request by the individual whose records are to be expunged, the Custodian of Records must send a letter at an address provided by the individual confirming the receipt of the expungement order and that the record has been expunged (Minn. Stat. § 609A.03, Subd. 8).

Expunged records may be opened only by court order (Minn. Stat. § 609A.03, Subd. 7).

Expunged records of conviction may be opened for purposes of evaluating a prospective employee of the Department without a court order.

The Custodian of Records shall inform any law enforcement, prosecution or corrections authority, upon request, of the existence of a sealed record and of the right to obtain access to it.

802.9 MAINTENANCE OF CLOSED RECORDS
Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure. Closed records shall be kept separate from public records and shall remain confidential.
Protected Information

803.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Brooklyn Park Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the government data information covered in the Records Maintenance and Release Policy. This policy complies with the Bureau of Criminal Apprehension (BCA) policies which include MNJIS-5000 – Appropriate Use of Systems and Data, MNJIS-5004 – Policy for Training and Certification Requirements and MNJIS-5005 – FBI CJIS Audits, Audit Compliance and Audit Sanctions. Nothing in this policy is intended to contradict BCA policies. The BCA policies noted can be found on the BCA's Launchpad under MNJIS Documents.

803.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Brooklyn Park Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public, including data obtained through the Bureau of Criminal Apprehension (BCA) and the Criminal Justice Data Network (CJDN).

803.2 POLICY
Members of the Brooklyn Park Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

803.3 RESPONSIBILITIES
The Chief of Police shall select a member of the Department to coordinate the use of protected information (Minn. Stat. § 13.05, Subd. 13).

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETs), Minnesota Division of Driver and Vehicle Services (DVS) records, Minnesota Bureau of Criminal Apprehension (BCA) and the Law Enforcement Incident Search (LEIS)

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.
(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

(g) Ensuring a comprehensive security assessment of any personal information maintained by the Brooklyn Park Police Department is conducted at least annually (Minn. Stat. § 13.055, Subd. 6).

(h) Ensuring LEIS is notified within 10 days that an investigation in LEIS has become inactive (Minn. Stat. § 299C.40).

**803.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Brooklyn Park Police Department policy or training (Minn. Stat. § 13.09). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (Minn. Stat. § 13.05; Minn. Stat. § 299C.40). Individuals with unescorted access must successfully pass a state and national fingerprint check and complete Security Awareness Training within six months of hire and biennially thereafter.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. Using, viewing, or inappropriately altering law enforcement data without a work-related purpose is considered inappropriate use. Any employee misusing information or obtaining information for other than official criminal justice purposes will be subject to disciplinary action up to and including termination.

Minnesota State Statute 171.12, strengthens the consequences for anyone who misuses the Minnesota Department of Public Safety Driver and Vehicle Services (DPS-DVS) record information system. The new law requires DPS to immediately and permanently revoke the authorization of any individual who entered, updated, accessed, shared or disseminated data in violation of state or federal law. There is no opportunity for an individual to obtain authorization again once access has been terminated.

Individuals accessing protected information must be trained and certified within six months, biennially thereafter.

**803.4.1 DATA PRACTICES COMPLIANCE OFFICIAL**

The Support Services Manager is the designated Data Practices Compliance Official for the Brooklyn Park Police Department. This supervisor is responsible for ensuring compliance with
this procedure and with applicable records, security regulations and requirements imposed by federal and state law (Min. Stat. § 13.05 Subd. 13). The Data Practices Compliance Official will resolve specific questions that arise regarding authorized recipients of CHRI. Including access to the CJIS Security Policy, a valid Master Joint Powers Agreement between the Brooklyn Park Police Department and the BCA.

803.4.2 RELEASE OF CHRI
Only the persons listed below are authorized to release CHRI. Each authorized person releasing CHRI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Support Services Manager.
(b) Full-time employees of the Support Services Division.
(c) Personnel specifically designated in writing by Division Commanders with the concurrence of the Data Practices Compliance Official

803.4.3 RELEASE OF CHRI TO FIELD PERSONNEL
Personnel shall not have access to CHRI until a background investigation has been completed and approved.

CHRI shall not generally be transmitted by radio, cellular telephone or through computer terminals to field personnel or to vehicles except for official purposes.

803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION
Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Support Services Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Support Services Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further
an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

803.5.1 REVIEW OF CHRI
Members of this department shall refer individuals seeking access to CHRI to the Minnesota BCA (Minn. Stat. § 13.87, Subd. 1(b)).

803.5.2 REVIEW OF LEIS DATA
Employees must follow Minnesota State statute 299C.40

803.6 SECURITY OF PROTECTED INFORMATION
The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

(e) Electronic media will be destroyed or sanitized prior to disposal to prevent unauthorized access to previously stored data.

803.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

803.7 TRAINING
All members authorized to access or release protected information shall complete a training program (certification) that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.
803.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Support Services Division, Dispatch and in the Investigation Unit to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CHRI until the operator has completed the appropriate training.

All personnel who have direct responsibility to configure and maintain computer systems and networks with direct access to FBI CJIS systems must successfully pass a fingerprint-based background check.

803.7.2 DESTRUCTION OF CHRI
When any document providing CHRI has served the purpose for which it was obtained, it shall be destroyed by shredding at such time its destruction is permitted by the organization’s records retention schedule.

Each employee shall be responsible for destroying the CHRI documents he/she receives.

803.8 TRAINING PROGRAM
All personnel authorized to process or release CHRI shall be required to complete a training program (certification) prescribed by the Data Practices Compliance Official and consistent with BCA requirements. The Training Unit shall coordinate the course to provide training in the proper use, control and dissemination of CHRI.

803.9 PENALTIES FOR MISUSE OF RECORDS
It is a crime to obtain CHRI criminal history data in an unauthorized manner, to use the data for an unauthorized purpose, or to disclose the data to a person who is not entitled to the data (Minn. Stat. § 13.09).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy.

Employees who obtain, or attempt to obtain, information from the Department files, other than that to which they are entitled in accordance with their official duties, is a violation of the Conduct Policy.

803.10 SECURITY BREACHES
In the event of an actual or potential breach of the security or other unauthorized acquisition of private or confidential information, the Chief of Police or designee shall ensure an investigation into the breach is made. Upon completion of the investigation and final disposition of any disciplinary action, a report containing the facts and result of the investigation shall be prepared. If the breach was conducted by an employee, contractor or agent of Brooklyn Park, the report must include a description of the type of data that was breached, the number of individuals whose information was breached, the disposition of any related disciplinary action, and the identity of the employee determined to be responsible for the breach (Minn. Stat. § 13.055).
Written notice shall be given to any individual whose private or confidential data was, or is reasonably believed to have been, acquired by an unauthorized person as soon as reasonably practicable. The notice shall include the following (Minn. Stat. § 13.055):

(a) Notification that an investigation will be conducted.
(b) Notification that a report containing the facts and results will be prepared.
(c) Information on how the person may obtain access to the report, including that he/she may request delivery of the report by mail or email.

The notice may be delayed only so long as necessary to determine the scope of the breach and restore the reasonable security of the data or so long as it will impede an active criminal investigation. Notice shall be made by first class mail, electronic notice or substitute notice as provided in Minn. Stat. § 13.055, Subd. 4. If notification is required to be made to more than 1,000 individuals, notice to all consumer reporting agencies of the timing distribution and content of the notices must also be made (Minn. Stat. § 13.055, Subd. 5).

803.11 ACKNOWLEDGEMENT
All employees are required to electronically acknowledge this policy and physically sign an acknowledgement form (See attachment: Lexipol Police 803 Acknowledgment Form.pdf) to indicate that they fully understand this policy. If an employee does not understand this policy or has questions about it they shall immediately contact their direct supervisor or the support services manager for assistance.
CJI User Account-Access Validation Policy

804.1 PURPOSE
The purpose of this policy is to regularly review all user accounts within CJI to ensure privileges are accurate and are aligned with employment status of individual users.

804.2 ACCOUNT AUDITS AND MANAGEMENT
All accounts shall be reviewed at least every six months by the terminal agency coordinator (TAC) or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The TAC may also conduct periodic reviews.

All guest accounts (for those who are not official employees of the CJA) with access to the criminal justice network shall contain an expiration date of one year or the work completion date, whichever occurs first. All guest accounts (for private contractor personnel) must be sponsored by the appropriate authorized member of the administrative entity managing the resource.

The TAC must disable all new accounts that have not been accessed within 30 days of creation. Accounts of individuals on extended leave (more than 30 days) should be disabled. (Note: Exceptions can be made in cases where uninterrupted access to IT resources is required. In those instances, the individual going on extended leave must have a manager-approved request from the designated account administrator or assistant.)

The TAC must be notified if a user's information system usage or need-to-know changes (i.e., the employee is terminated, transferred, etc.). If an individual is assigned to another office for an extended period (more than 90 days), the TAC will transfer the individual's account(s) to the new office (CJA).

The TAC will remove or disable all access accounts for separated or terminated employees immediately following separation from the agency.

Primary responsibility for account management belongs to the Terminal Agency Coordinator (TAC).

804.3 EVENT LOG REVIEW AND ACCESS CONTROL MEASURES
The Terminal Agency Coordinator (TAC) shall:

(a) Review event log weekly within the CJI System to audit activities which occur within the system and check for anomalies.
   1. Access control measures
   2. Address least privilege and separation of duties

(b) Enable event logging of:
CJI User Account-Access Validation Policy

1. Successful and unsuccessful system log-on attempts.
2. Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
3. Successful and unsuccessful attempts to change account passwords.
4. Successful and unsuccessful actions by privileged accounts.
5. Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.

(c) Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

(d) Follow the Incident Response Policy to ensure anomalies are thoroughly reviewed and reported if necessary with actions taken and resolution.
Tyler Technologies Account Management

805.1 PURPOSE
The purpose of this policy is to regularly review user accounts within Tyler Technology software to ensure privileges are accurate and are aligned with employment status of individual users.

805.2 AGENCY ADMINISTRATOR
Primary responsibility for Tyler Technologies account management belongs to the agency administrator who will be appointed by the Chief of Police. The agency administrator shall:

(a) Modify user accounts in response to events like name changes, accounting changes, permission changes, office transfers, etc

(b) Periodically review existing accounts for validity (at least once every 6 months)

(c) Cooperate fully with an authorized security team that is investigating a security incident or performing an audit review

(d) Review event log weekly within the Tyler Technologies system to audit activities which occur within the system and check for anomalies
   1. Access control measures
   2. Address least privilege and separation of duties

(e) Enable event logging of:
   1. Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.
   2. Successful and unsuccessful actions by privileged accounts.
   3. Successful and unsuccessful attempts to change account passwords.
   4. Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
   5. Successful and unsuccessful system log-on attempts.

(f) Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

(g) Follow the Incident Response Policy to ensure anomalies are thoroughly reviewed and reported if necessary with actions taken and resolution

805.3 ACCOUNT MANAGEMENT
All accounts shall be reviewed at least every six months by the agency administrator of Tyler Technologies systems or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The agency administrator may also conduct periodic reviews.
All guest accounts (for those who are not official employees of the CJA) with access to the criminal justice network shall contain an expiration date of one year or the work completion date, whichever occurs first. All guest accounts (for private contractor personnel) must be sponsored by the appropriate authorized member of the administrative entity managing the resource.

The agency administrator must disable all new accounts that have not been accessed within 30 days of creation. Accounts of individuals on extended leave (more than 30 days) should be disabled. (Note: Exceptions can be made in cases where uninterrupted access to IT resources is required. In those instances, the individual going on extended leave must have a manager-approved request from the designated account administrator or assistant.)

The agency administrator must be notified if a user's information system usage or need-to-know changes (i.e., the employee is terminated, transferred, etc.). If an individual is assigned to another office for an extended period (more than 90 days), the agency administrator will transfer the individual's account(s) to the new office (CJA).

The agency administrator will remove or disable all access accounts for separated or terminated employees immediately following separation from the agency.
[Animal Control]

806.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.1.1 DEFINITION(S)
Animal Control Officer (ACO): is normally included in the responsibilities of the cadet position but can be any employee to include but not limited to reserve officers or sworn police officers.

806.2 [ANIMAL CONTROL] RESPONSIBILITIES
Animal control services are generally the primary responsibility of [Animal Control] and include the following:

(a) Animal-related matters during periods when [Animal Control] is available.
(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that [Animal Control] is available for investigation and resolution.
(c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.3 MEMBER RESPONSIBILITIES
Members who respond to or assist with animal-related calls for service should evaluate the situation and determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.
(b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.
(c) An animal is creating a traffic hazard.
(d) An animal is seriously injured.
(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
   1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
   2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.4 DECEASED ANIMALS
When a member becomes aware of a deceased animal all reasonably attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

(a) Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

(b) Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.5 INJURED ANIMALS
When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below.

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to an authorized veterinary emergency services clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

(d) When it is necessary to kill a seriously injured or dangerous animal the Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty supervisor.

(e) Injured or deceased wildlife should be referred to the nearest rehabilitation center.

(f) When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(g) Each incident shall be documented, when available, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released. If the ACO is off-duty, the information will be forwarded for follow-up.

806.6 DESTRUCTION OF ANIMALS
When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.
806.7 POLICY
It is the policy of the Brooklyn Park Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.8 ANIMAL CRUELTY COMPLAINTS
Laws relating to the cruelty to animals should be enforced, including but not limited to (Minn. Stat. § 343.21 et seq.):

(a) An investigation should be conducted on all reports of animal cruelty.
(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty (Minn. Stat. § 343.29).
   1. An officer may remove, shelter and care for any animal that is not properly sheltered from cold, heat or inclement weather, or any animal not properly fed and watered or provided with suitable food and drink, in circumstances that threaten the life of the animal.
   2. An animal taken into care during an animal cruelty investigation may be euthanized following a determination by a doctor of veterinary medicine that the animal is suffering and is beyond cure through reasonable care and treatment.

806.9 ANIMAL BITE REPORTS
Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

806.9.1 ANIMAL BITES TO HUMANS
Members should coordinate with appropriate animal authorities to ensure that animals who have bitten a human are quarantined for rabies observation as required by Minn. R. 1721.0580.

806.10 STRAY DOGS
If the dog has a license or can otherwise be identified, the owner should be contacted (Minn. Stat. § 343.29), if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.11 DANGEROUS ANIMALS
In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Lieutenant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.
806.12 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality of life issues.
Chapter 9 - Custody
DETENTION FACILITY

900.1 PURPOSE AND SCOPE
To establish procedures relative to the operation of the detention facility consistent with rules promulgated by the Minnesota Department of Corrections.

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Brooklyn Park Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 STAFF ORGANIZATION
The administration of the detention center shall be the responsibility of the Patrol Deputy Chief. The daily operation of the detention center will be supervised by the shift supervisor who shall be responsible for ensuring compliance with this procedure. The Detention Supervisor (Assigned Inspector) shall train detention staff, define detention staff duties, evaluate detention staff performance, and confer with Lieutenants concerning detention issues. Detention staff shall report to the Detention Supervisor (Assigned Inspector) with issues not needing the immediate attention of the shift supervisor.

900.2 POLICY
The Brooklyn Park Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA
(a) **Length of Prisoner Detention** The Brooklyn Park Detention Center is classified by the Minnesota Department of Corrections as a "Class II Holding Facility" where a prisoner may be detained for no longer than a 48 hour time period, Sunday, and Holidays.

(b) **Types of Prisoners**
1. Adult male and female prisoners may be detained for no longer than a 48 hour time period. Juveniles placed in these rooms are to be under direct observation. Delinquent juveniles ages 14 - 17 can be placed in any cell for up to six (6) hours (the six hours start from the time of the juvenile arriving at the station) provided the juveniles are separated from the adult prisoner by sight and sound by placing juveniles in the opposite end cell farthest away from adult prisoners.

2. Juvenile door windows shall be covered at all times and any data sheets tuned over on the door so adult prisoners cannot view
3. Juveniles under the age of fourteen (14) and/or juveniles charged only with status offenses shall not be admitted into the detention center.

4. Persons reported as escaped or AWOL from mental institutions may be held until arrangements can be made for their return transportation. Military AWOL can be temporarily housed upon authorization from the shift supervisor.

900.3.1 BOOKING PROCESS/ADMISSIONS
The following procedures shall be adhered to for all prisoners including prisoners from other agencies:

(a) Entering the Detention Center
1. Prisoners shall be brought into the Detention Center through the searching vestibule. When entering through the prisoner garage, officers will close the overhead door and secure their weapons in the weapons locker prior to removing the prisoner from the vehicle.

2. When entering the detention center from the interior of the building with a prisoner, officers shall secure their weapons in the weapons locker prior to entering the vestibule.

3. At no time will a detention officer be alone with a prisoner outside his/her cell without a police officer or second detention officer present, except during releases.

4. During juvenile bookings, all adult prisoners will remain in their cells with door windows closed. At NO time shall juvenile prisoners and adult prisoners be outside of their cells at the same time.

(b) Prisoner Garage - Vehicles parked in the prisoner garage shall be removed as soon as possible. A vehicle shall be removed after the arresting officer has assisted in securing booked prisoners in a cell. At NO time shall an adult prisoner and juvenile prisoner in separate squads be parked in the prisoner garage at the same time.

(c) Handcuffs - All prisoners shall be handcuffed behind their back unless medical or other documented reasons are noted in the officer's report. Prisoners in handcuffs upon entering the detention center shall remain cuffed until after thoroughly searched. Violent prisoners shall remain handcuffed throughout the booking process until placed into a cell at a supervisor’s discretion.

(d) Cell Priority - Cells one and two (if available) are for use by prisoners while being processed, short term detention or prisoners remaining on 15 minute checks. Prisoner priority and use of cells one and two shall be determined by the shift supervisor. The remaining cells are for prisoners not scheduled for immediate release. A shower is available for prisoners admitted to the detention center and not scheduled for immediate release. (Separation of Prisoners). The booking process should not be used in cases where outside agencies (i.e. State Patrol, etc.) are using the Intoxilyzer 5000 for a breath test, breath testing of persons for investigative purposes that are not under arrest, and photographing of persons not under arrest for investigative.
purposes. In these instances, jail log entries should be made specifying the name, DOB, requesting agency and purpose for being in the detention area. Persons must be logged in and logged out

(e) **Search** - Prisoners shall be thoroughly searched while in the booking vestibule, handcuffs shall remain on the prisoner until the search is completed. Purses, wallets, belts, jewelry and contents of all pockets shall be taken from the prisoner. Any items that could be used as a weapon shall also be removed. Upon completion of a thorough search of a prisoner and removal of all property, a scan of the body shall be performed with a metal detection device

(f) **Property** - The property shall be inventoried on the Property Form. Prisoner property shall be bagged, labeled and locked in a property locker.

1. All prisoner monies shall be counted aloud, in front of the prisoner, while under the camera
2. Prisoner monies that are $100 or over must be counted by the detention officer and the arresting officer or a second detention officer who is working. Next to the written dollar amount, the arresting officer or second detention officer must initial that they have verified the amount counted
3. Prisoner money must be sealed in a plastic bag and placed in the prisoner’s property locker
4. Items that do not fit in the prisoner’s property bag will be property inventoried by the arresting or booking officer

(g) **Prescription Drugs** - Staff shall record the exact quantity and type of drug on the Property Form. The disposition of legend drugs shall be recorded on the Prisoner Medical Record. Example: Dilantin/20 pills/twice daily

(h) **Medical Screening Admission Form** - This form shall be completed for prisoner health assessment. This shall be completed prior to the prisoner entering the jail facility. (generally done in the jail sallyport) The reading of this questionnaire shall be video recorded when practicable. The prisoner’s physician shall be contacted for instructions before the next prescribed medicine dosage time for all newly admitted prisoners who are either in possession of prescribed medicine or indicate a need for prescribed medicine. When the prisoner’s medicine cannot be authorized by a physician and withholding the drug may be life threatening, the shift supervisor will be notified, and the decision made whether to release the prisoner or whether the prisoner shall be taken to North Memorial Medical Center, other suitable health care facility, or the HCADC

(i) **Booking Photos** - Prisoners booked into the detention center on a criminal charge will have their pictures taken. Adults and juveniles will be photographed with the imaging system in their respective databases. Photographing of persons not under arrest (i.e., investigative purposes) will be done in the special database within the imaging system. If the imaging system is not available, the handheld digital camera will be used. If a person comes in and has glasses, they should be photographed with and without the glasses. If a prisoner comes in wearing contacts, they have the option of removing
them or keeping them in their cell. Whatever they decide, they will need saline solution and a plastic contact lens case. They may keep this (the case) in their cell.

(j) **Fingerprinting** - Live Scan will be checked for the result of the prints; i.e., Hit, No Hit or Error. Following are the fingerprint cards to be used and disposition:

1. **Persons to be fingerprinted include:***
   - All those arrested for trackable misdemeanor offenses such as: theft, assault, prostitution, damage to property, misdemeanor drugs, domestic violence, harassment restraining order violations, order for protection violation and indecent exposure
   - All gross misdemeanors
   - All felonies
   - Those arrested on criminal charges whose fingerprints may serve a police intelligence function
   - All juvenile felonies and gross misdemeanors
2. **Persons not fingerprinted:***
   1. Juvenile misdemeanor arrests with the exception of the following:
      - All Assaults
      - DWI
      - OFP/Restraining Order Violation
      - Indecent exposure

(k) **Intake Procedure** All intake procedures shall be conducted in a professional manner in the Detention Center assuring the personal privacy of the prisoner and the confidentiality of the transaction.

(l) **AWOL** - A person who has been apprehended for being AWOL or an escape from a mental institution shall be placed in a cell alone while awaiting transfer back to the military or hospital.

(m) **Acceptance of Military Personnel** - Acceptance of a military person into the Detention Center who is only charged with AWOL is contingent upon one of the following factors being present:

1. Existing warrant authorizing the person’s apprehension as an AWOL.
2. Administrative message identifying the branch of military service and person authorizing the apprehension.
3. The individual apprehended is listed as AWOL in the MINCIS/NCIC computer file

(n) **Advising of Charges** - Every prisoner admitted to the Detention Center shall be advised of the official charge or legal basis for detention and confinement.

(o) **Metal Detection Devices** - The metal detection device shall be kept in the booking vestibule. This device shall be used as follows:
1. A body scan shall be performed on all prisoners after a thorough search and removal of property in the booking vestibule
2. A body scan shall be performed on all visitors prior to entering the detention facility to visit prisoners
3. A body scan shall be performed on all prisoners prior to transferring from the detention area to another facility such as county jail, court, hospital/treatment center, etc
4. Definition: Body Scan...to follow the contour of the body within 1-2" to locate undetected objects

Methods of Prisoner’s Identification - The method of identification will be noted on the Arrest/Booking Form. The following methods are acceptable for prisoner identification:

- Picture driver's license, state issued picture ID
- Passport, Resident Alien Card
- Fingerprint comparisons
- Jail record or jail photo identification
- Identification by secondary persons who are deemed reliable
- With authorization by a supervisor

900.3.2 ADULT PRISONER RELEASE/TRANSFER

(a) Felony Charge - An adult prisoner arrested on a felony charge without a warrant may be held in the Brooklyn Park Detention Center for investigative purposes up to 48 hours. An extension may be submitted to and approved by a Judge if continued detention is necessary. At the conclusion of the extension, the prisoner must be released by one of the following methods:

1. Transfer to Hennepin County Adult Detention Center pending further investigation and for formal charges
2. Transfer to another criminal justice agency for continued investigation
3. Release pending formal complaint
4. A district court judge or the prosecuting attorney can order the release of a person arrested on a felony without a warrant. When so ordered, the person shall be released pending formal complaint
5. An adult arrested on the authority of a felony warrant will be transferred to Hennepin County Adult Detention Center. If the warrant is from an agency outside of Hennepin County or from out of state, copies of the warrant confirmation must accompany the prisoner to HCADC
6. When a person is transferred to Hennepin County Adult Detention Center on a felony charge without a warrant, a Hennepin County Authority to Detain form and a 36 Hour Expiration Advisory form shall be completed on the individual. In the charge section only the applicable felony charges shall appear or outstanding
warrants. Any gross misdemeanor or misdemeanor charges will be charged later either by tab charge or formal complaint. Refer to the informational sheet posted in the booking room regarding other necessary transfer paperwork.

(b) Gross Misdemeanor Charge - Gross misdemeanor violations, like felonies, must be tab charged for arraignment. At the discretion of the on duty supervisor, the person may be held in custody and either held for a complaint and sent to Division II Court, or may be released pending a formal complaint.

1. When a person is transferred to Hennepin County Adult Detention Center on a gross misdemeanor charge without a warrant, a Hennepin County Authority to Detain form, a 36 Hour Expiration Advisory form an Offender Tracking and Victim Notification form if applicable shall be completed depicting only the gross misdemeanor violations when that is the most serious charge sought. Outstanding warrants may be added. Any misdemeanor charges will be charged later by formal complaint. Refer to the informational sheet posted in the booking room regarding other necessary transfer paperwork.

2. Those persons charged with gross misdemeanor DWI or aggravated violations will be released in accordance with Hennepin County Judges bail schedule. A tab charging cover sheet must be completed including the case number.

3. A district court judge or the prosecuting attorney can order the release of a person arrested on a gross misdemeanor without a warrant. When so ordered, the person shall be released pending formal complaint.

4. Any intoxicated person charged with a gross misdemeanor may be released pending complaint and committed to a detox center when circumstances exist that would permit admittance to a detox center and continued detention in a secure facility is not necessary. The shift supervisor will make this determination. Detoxification Pick Up Form).

(c) Misdemeanor Charge - Minnesota Court Rules mandate that a person arrested for a misdemeanor without a warrant must be released on a promise to appear unless it reasonably appears that continued detention is necessary:

1. To prevent bodily harm to accused or another.

2. To prevent the accused from further criminal conduct.

3. Because there is a substantial likelihood that the accused will fail to respond to the promise to appear. The shift supervisor will determine if any of these conditions exist. After a person has been booked in the Brooklyn Park Detention Center, the person shall be released if none of the criteria for continued detention is present. If continued detention is indicated, the individual shall be eligible for release upon posting the prescribed bail. The shift supervisor is the only person authorized to quote bail. If a person required to post bail does not have the necessary amount, then the person shall be held for arraignment at Hennepin County Division II Court, or transferred to Hennepin County Adult Detention Center if Division II Court will not be in session within 48 hours of the arrest (i.e. Judges retreat) Refer to the informational sheet posted in the booking room regarding other necessary transfer paperwork. The paperwork
necessary for Division II Court includes: A copy of the Arrest/Booking Form, Authority to Detain, a copy of the Initial Report, the copy of the Victim Information Form (if applicable), Offender Tracking form, photograph, and DWI paperwork if applicable, and DL Record (if applicable). Obtaining these copies is the responsibility of the Detention Officer. The original paperwork is obtained from the arresting officer. (Refer to the informational sheet posted in the Booking Room regarding any other necessary paperwork).

(d) **Release/No Bail Required (NBR)** - Completion of the Hennepin County Release Receipt form is required. The arresting officer or the detention officer making the release must advise the person of their rights as indicated on the release form and secure the person's signature on the form unless the offense is a misdemeanor driving violation. A signature may not be required or requested in these cases. The released person shall be issued a court date no less than 10 days into the future, 14 days for a gross misdemeanor. The completed envelope along with the booking and offender tracking form if applicable will be placed in the Div2 Court bin. The original white copy is attached to the Detention paperwork. The pink copy shall be given to the prisoner.

(e) **Release on Bail** - The same procedure as with NBR release applies to release on bail; the exception shall be the disposition of the envelope. Bail amount for the offense(s) charged will be taken from the posted Hennepin County schedule. Bail shall be in the form of cash or a bond. Large amounts of coin shall not be accepted for any bail. Two officers (patrol or detention) shall sign/initial the back of the envelope when receiving cash bail or fine. If no other officer is available have the prisoner being released sign/initial the back of the envelope. The completed envelope shall be put into the bail folder in the Detention Center and the white sheet shall be attached to the detention paperwork. The prisoner shall receive the pink copy.

(f) **Release on Personal Recognizance (RPR)** - An arrested person who would normally be required to post bail to gain release may be ordered released by a judge. When this occurs, the release is handled like an NBR situation and the Release/Receipt form is marked RPR.

(g) **Domestic Assault** - A person charged with domestic assault is eligible for release as provided in the "District Court, Fourth Judicial District, Conditional Release Terms & Conditions" form/policy. This form/policy is located in the booking room. Victim Information Form must also be completed by the arresting officer.

(h) **D.W.I.** - A person charged with DWI and eligible for an NBR release may be placed into a detox facility if conditions for detox admission are present. The shift supervisor shall determine if conditions for transfer to detox exist. Detoxification Pick Up Form.) An arrestee may be released to themselves after they have reached .04 or below, or they may have a sober adult pick them up and be responsible for them after they tested (PBT) .15 or below. A copy of the persons DL picking up the prisoner will be noted on the booking sheet and tab charge showing who the prisoner was released to.

(i) **Warrant** - A person arrested on a misdemeanor or gross misdemeanor warrant may be released upon the terms and conditions of the warrant. If bail is stipulated, only cash or a bond shall be accepted and a court date set as with the warrants office. If a fine is stipulated, only cash shall be accepted and the individual shall be advised that no further action is required on his/her part. If a person is arrested on a bench
DETENTION FACILITY

warrant only that states A Hold for ACF, they can be transported directly to the Adult Correctional Facility. Prior to transport, contact the ACF to verify they have the original commitment and will accept the prisoner. If it is a warrant from another County, that agency will need to be contacted in order to verify the type of bail they will take. If it is “cash only” then the arrestee will need to be transported to the HCADC. BPPD cannot take any cash on out of county warrants, family court warrants or civil default warrants. These persons shall be transported to HCADC. Warrant confirmation will be required prior to transport.

(j) Mental Absentees/Escapees - Persons detained that are determined to be AWOL or escaped from a mental institution shall be returned to that facility by arranging transportation through the facility from which the person absented.

(k) Release of Military Personnel - Persons currently in the military service shall be processed in the same manner as civilians.

(l) Military AWOL Release - A person that has been apprehended as an AWOL from the military shall be booked and housed in our facility unless arrangements can be made with a detention center under current contract with the military.

(m) Return or Release of Prisoner Property and Prisoner Release Procedures - Upon release, all personal property taken from the prisoner at admission, and not considered evidence, shall be returned to the prisoner unless items are determined to belong to someone else. The person released will be required to sign the Property Form acknowledging return of the property. When the person refuses to sign, or is too violent to remove the handcuffs, write in "Refused to Sign" or "Restrained/Unable to Sign". A second officer shall then sign in the appropriate area to verify the property was returned.

1. Prisoner currency must be counted at the release
2. The detention officer must count the money aloud, in front of the prisoner, while in recorded view
3. The money is then re-sealed in a plastic bag and given to the prisoner
4. Unclaimed Property - Any unclaimed property remaining in the Detention Center after the prisoner is released shall be property inventoried under the original case number and transferred to the property clerk via the property/evidence lockers. A Property and Inventory Report must be completed.
5. Prescribed Medication - Prescribed medication belonging to a prisoner shall be given to the prisoner or the appropriate authority upon transfer or release. This shall be noted on the Prisoner Medical Record
   (a) Unused legend drugs shall be property inventoried for disposal. The type and quantity of medicine "inventoried for disposal" shall be noted on the Prisoner Medical Record.
6. Releases - General
   (a) The prisoner shall be allowed to telephone for transportation from the front lobby of the police department
(b) No prisoner shall be released in intemperate weather without proper clothing to ensure the prisoner’s health and comfort.

(c) A released prisoner, no longer in custody, shall be released through the south detention center door D escorted by the detention officer and taken into the front reception area of the police facility.

(d) A released prisoner, still in custody, being transferred to another facility such as Hennepin County Adult Detention Center or a detox facility, shall be escorted by the receiving facility’s officers and the Detention Officer through the booking vestibule and into the prisoner garage to the awaiting transport vehicle. Phone calls for prisoners being transferred to HCADC can be deferred until the prisoners arrive at HCADC, with the exception of calls to attorneys, which must be placed by the Detention Officer. Upon placing the attorney phone call, the detention officer shall verify the phone call is received by an attorney's office and log the phone call on a worksheet.

(e) Whenever a prisoner is transported from our facility to court, HCADC, North, etc., and handcuffs are placed on the prisoner in front, it will be documented on the worksheet. All prisoners transported from the Brooklyn Park Detention Center by Brooklyn Park Police Department personnel shall be thoroughly pat searched and the metal detector used again before being escorted to the transport vehicle.

900.4 JUVENILE RELEASE

(a) A juvenile may be transferred to Hennepin County Juvenile Center (HCJC) if they qualify for continued detention at HCJC. Normally those circumstances involve serious felony crimes, situations where the juvenile has an extensive criminal history, or an arrest warrant is outstanding or domestics.

(b) When a juvenile is not transferred to HCJC, then the juvenile may be released to a parent or legal guardian, a responsible adult, or self, or to another county facility such as St. Joseph’s. Specify on the worksheet and booking form the name of the adult to whom a juvenile is released along with a copy of photo ID.

(c) Juveniles are never required to post bail to gain their release unless authorized by Hennepin County Juvenile Warrants.

(d) When a juvenile is released to someone other than the juvenile’s parent, every effort should be made to contact the parent concerning the disposition of the juvenile. In most cases this will be done by the arresting officer. If a parent cannot be contacted, a notation shall be entered on the Worksheet.

900.5 DETENTION CENTER SECURITY

The purpose of this section is to ensure the safety and security of staff and prisoners in the Detention Center and to minimize the potential for escape.

(a) **Firearms** - No firearms are allowed within the detention center area, including the booking vestibule, except when a condition exists that would authorize the use of...
deadly force. Firearms may be introduced into the Detention Center area for tactical purposes. Members of the Brooklyn Park Police Department, prior to entering the Detention Center area, must secure all weapons (including knives) into a weapon locker in the detention garage or in either of the weapon lockers located directly outside doors A and D. Tasers and Oleoresin Capsicum Solution (OC) may be carried in the Detention Facility by sworn officers trained to use it. Violation of this section may result in disciplinary action.

(b) **Tours** - Tours of the Detention Center shall be permitted whenever there is no prisoner movement or bookings taking place. The tour shall be noted on the Daily Log.

(c) **Keys/Locks** - All keys to security locks shall be properly tagged and stored in the Detention Office key box in the Detention Office and out of reach of prisoners or the public. Also:

1. One complete set of Detention Center keys shall be in the Detention Office for replacement purposes. Detention Center keys shall be listed in the door and key directory according to door number and corresponding key number. Keys shall remain in the key box in the Detention Office when the Detention Officer is involved in other assigned duties outside of the Detention Center.

2. At no time shall keys be left in any door or on the counters in the Detention Center. During shift change keys are handed from one Detention Officer to the relief Detention Officer.

3. Locks to security doors shall be inspected by the Detention Officer once during each shift to ensure efficient operation. No prisoner shall be placed in a cell or area that has inoperable door locks. A Work Request for repair shall be immediately submitted.

4. The electronic doors are equipped with manual override (use of a key) which may be used in an emergency situation.

5. All cell doors shall remain secure except when entering or exiting. All other doors shall remain closed when rooms are not in use. At no time shall any door be propped open without approval by the shift supervisor.

6. In the event that Detention Center keys remain in the possession of staff after the assigned shift is completed, staff shall immediately return the Detention Center keys to the Detention Center. Also, the on-duty Detention Officer must be notified immediately.

(d) **Detention Center Inspections** - When prisoners are present, a security round shall be made of the Detention Center at least every 30 minutes, on an irregular schedule, by the Detention Officer or shift personnel. A security round will be immediately, or as soon as practical, be performed at the beginning and end of each Detention Officer’s shift. Security rounds shall be made every 15 minutes for the first hour of detention for prisoners who are violent, suicidal, mentally disordered, placed in the restraint chair or who demonstrate unusual or bizarre behavior. The security rounds shall be entered in Aegis. 15 minute checks shall also occur during the first hour of all prisoner confinement. Prisoner confinement begins when the prisoner is placed in a cell.
1. Once during each shift the shift supervisor shall be responsible for an inspection of the Detention Center. The inspection shall be entered on the Daily Log and any irregularities noted. The shift supervisor shall inspect for contraband, evidence of breaches in security, and inoperable equipment. The inspection shall also include noting housekeeping and sanitation concerns. A Work Request shall be completed for inoperable security equipment. No prisoner shall be placed in a cell that has inoperable locks. The dogwatch supervisor shall test the fire and detention center alarms daily and document these tests in the Daily Log.

2. Detention officers are required to inspect the jail in accordance with the Equipment Checklist.

3. Shakedowns of cells shall be conducted by the detention officer after a cell is vacated. Shakedowns and cell numbers shall be documented by the detention officer in the Daily Log. Shakedowns of cells shall include:
   - Inspection of all fixtures such as toilets, sinks, mirrors, and beds for damage or alterations.
   - Inspection of walls, windows, and doors for breaches of security.
   - Inspection of sanitary conditions, disinfecting mattress, toilet and sink area, removal of any bedding and replaced with clean bedding.

4. In the event damage and/or contraband are present and a suspect is known, a Follow up/Continuation Report shall be completed and a copy sent to the Inspector. In the event a suspect is not known, an independent Initial Report shall be completed. In either case, a Work Request shall also be completed if there is damage to the cell.

5. Fire Inspection - Fire inspection shall be conducted on an annual basis by a State Fire Marshal or local fire official. Fire safety rules shall comply with requirements of the Minnesota Fire Marshal's Office. Documentation of the inspection and any resulting orders shall be maintained in the Daily Log and available for inspection by the regulatory authority.

6. Department of Corrections Biennial Inspection. Section 642.09 of the Minnesota Statutes provides that the sheriff of a county in which a municipality maintains a lockup shall inspect the lockup once every other year with reference to its security and administration.

7. Prisoner Supervision - When prisoners are confined within the Detention Center, a Detention Officer or sworn officer shall be in the Detention Center area awake and alert at all times and capable of supervising the welfare of the prisoners.
   - Only one prisoner shall be permitted out of a locked cell at any given time. An exception to this shall be when two (2) staff per prisoner is present to permit more than one prisoner out of a cell at a time. If this ratio is not possible, prisoners shall be placed in cell one or two, booked one at a time and placed in another cell away from those not yet booked.
(b) The maximum capacity of the Detention Center is twenty (20). When the capacity of the Detention Center reaches twelve (12) prisoners a second officer detention/police will be assigned to help in the Detention Center.

(c) The Detention Officer shall be assisted by another on duty custody staff person during transportation functions. Procedures shall be as follows:

- Vehicle preparation and operation the transportation vehicle shall have sufficient fuel and shall be in the prisoner garage before prisoners are escorted to the vehicle. The transportation vehicle shall always be operated in a safe, responsible manner. The operator shall obey all traffic rules.
- Restraints Handcuffs shall be applied before the prisoners are escorted to the transportation vehicle.
- Whenever a prisoner is transported from our facility to court, HCADC, North, etc., and handcuffs will be placed on the prisoner, also leg irons and/or waist chain if needed.
- The transporting officer must notify Hennepin County Dispatch if they are transporting a male or female and count of each.
- Contacts at court upon arrival at court, the contact staff shall be the Hennepin County bailiff.
- Court Paperwork Paperwork necessary for court shall be the Initial Report, Supplementary Reports and Arrest/Booking Form specifying all misdemeanor or gross misdemeanor charges. In domestic abuse cases, the Victim Notification Form, Domestic supplemental form, Authority to Detain, Photographs, and Offender Tracking form is also required.

(d) When prisoners are detained, a Detention Center security round shall be conducted at least every 15 minutes for the first hour and then every 30 minutes monitoring the welfare of those detained and the security of the Detention Center. Each time a security round is made; an entry shall be made in Aegis stating the time the security round is made, documenting any concerns. The responsibility for the security round is that of the detention officer, or in the absence of the detention officer, a sworn officer.

(e) No employee shall conduct pat searches, strip searches, or shower checks on prisoners of the opposite sex. The only exception to this requirement shall be when deviation is necessary to provide safety and security to the Detention Center.

(f) **Detention Center Alarm** – The duress alarm may be activated at any time when immediate assistance is required in the jail. The alarm may be activated by any personnel in the detention center. These alarm pull stations are located in six (6) different locations within the detention center.
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1. Sally Port
2. Prisoner search area room
3. Booking Room
4. North Cell Hall
5. South Cell Hall
6. All three investigative rooms
7. (a) When the alarm is activated an audible tone will sound at various locations within the police facility. **Note: the pull station alarms are not linked to the alarm company or to dispatch. Only people within the police facility will be aware of the alarm sounding**
   (b) Any officer becoming aware of the alarm and capable of responding shall assist in the detention center immediately.
   (c) The detention officer or the shift supervisor shall silence and reset the alarm as soon as possible after the incident is under control. To reset the alarm follow this procedure
      • Use the duress pull key located in the large key box in the detention office. Insert the key in the keyhole of the pull station that was activated to sound the alarm.
      • Open the panel on the pull station and push the white pull handle back up into its normal position then relock the panel.
      • Next push the “Alarm Silence” button located on the Simplex alarm control panel in the detention office.
      • Then push the “System Reset” button feature.
   (d) In the event the detention officer is unable to pull the duress alarm or there are no personnel available in the police facility to assist in the detention center, both Motorola portable radios have an enabled emergency button feature. Note: this is a silent alarm.
   (e) To activate the alarm depress the orange button located on the top of the radio. After the button is pushed it will alert the Hennepin County Sheriff’s Dispatchers that the alarm button was pushed. The dispatcher will then notify the on duty shift supervisor and advise them they received an alarm from the detention portable radio.
   (f) The on duty supervisor shall immediately check the welfare of the detention officer and start the appropriate resources needed.
   (f) **Contraband/Control and Recovery** - All materials delivered to or transported from the detention center shall be inspected before distribution and documented on a **worksheet**. All contraband detected on a prisoner during a search shall be immediately placed in the evidence/property lockers by the arresting officer or booking officer and noted on a **worksheet**.
(g) **Action Plan for Escape** - In the event a prisoner escapes from the detention center, the following steps shall be taken:

1. 911 shall be contacted by the staff person witnessing the escape (or evidence thereof). This call shall include the name of the prisoner, the physical description, the nature of the charge, and, if possible, the direction the prisoner traveled.

2. Notification of the shift supervisor

3. Completion and submission of a Special Incident Reporting Form.

(h) **Count Procedure** - Formal counts shall be entered at the beginning of each shift in the Daily Log at 0600, 1500, and 1800 hours each day. Count should be entered as follows: 0600/shift change/Prisoner Count =8.

(i) **Dangerous Materials** - Materials dangerous to either security or safety shall be property inventoried by the arresting or booking officer. These items should not be brought into the secure area of the detention facility.

(j) **Strip Searches** – Strip searches will be conducted to ensure the safety and security of prisoners and staff. They will be conducted only:

1. When there is reasonable suspicion that an inmate is concealing a weapon or contraband not disclosed by the initial pat down and metal detector search.

2. In most cases, it will be the arresting officer’s responsibility to conduct the strip search. The shift supervisor shall be notified prior to conducting the strip search or when a prisoner refuses to be strip searched.

3. The procedures for conducting strip searches are as follows:

   - Same sex searches only
   - The search will be conducted out of view of others in the shower room.
   - There will be no physical contact with a prisoner during the strip search.
   - The prisoner will be instructed to remove all items of clothing. Each item will be thoroughly searched by the individual conducting the strip search. The clothing can be returned to the prisoner once the strip search is completed.
   - The person conducting the strip search will visually inspect the prisoner’s mouth, nostrils and ears without having physical contact.
   - The prisoner will be instructed to run their fingers through their hair while at the same time shaking their head vigorously from side to side.
   - The prisoner will be instructed to bend over at the waist and have them spread the cheeks of their buttocks so you can visually inspect their groin and anus area.
   - To visually inspect their genitalia area, have the male prisoners lift their penis and scrotum; have the female prisoner’s squat in a crouched position and cough. Documentation of the strip search will be noted on the Prisoner Worksheet.
900.6 EMERGENCY PLAN

(a) Written Notification - The Inspector in charge of Detention shall immediately notify the Hennepin County Sheriff and the Department of Corrections of an emergency that results in the suspension of a rule. A formal written report must follow within 72 hours. No suspension of rules may exceed seven days unless the Inspector obtains the approval of the commissioner for a variance to the rules.

(b) Fire Alarms - Fire alarms and smoke detectors are located throughout the police facility and in the detention center. When the system is activated, an audible horn will sound and the smoke detector in the location of the smoke will illuminate. Fire alarm panels are located in the detention office. These panels display a light indicating the affected portion of the building.

1. When the fire alarm system activates, the fire department is automatically dispatched to the Detention Center. When prisoners are confined in the detention center, the detention officer or the shift supervisor shall make an immediate inspection of the detention center to ascertain if a life threatening problem exists in the detention center. The detention officer or shift supervisor shall standby ready to evacuate if a life threatening problem is detected in another portion of the building.

2. If a fire originates in the detention center, the alarm can be activated by pulling the alarm switch located in the booking room or the alarm switch located in the booking vestibule.

3. The fire alarm shall be tested daily by the dog shift supervisor and documented in the Daily Log. The fire alarm shall be tested by notifying the alarm company, then keying open and pulling the unit down.

(c) Evacuation of Building: If total evacuation of the building is necessary, all prisoners shall be placed in the transport vehicle and/or the caged area of available squad cars. After the Fire Department has been summoned, and no threat to life exists, when possible, staff shall attempt to extinguish the fire with available fire extinguishers located in the booking room and directly outside the detention center doors. Prisoners removed from the detention center shall be kept under guard while out of their cells. The prisoners shall be returned to their cells as soon as all danger has passed. If the evacuation is for a prolonged period of time or the fire renders the detention center uninhabitable, the prisoners shall be transported to the Hennepin County Adult Detention Center.

(d) Tornado - In the event of a tornado warning, all prisoners shall remain locked in their cells. Any prisoners not secured in cells at the time the tornado warning is issued shall be immediately locked in a cell for the duration of the tornado warning. Should a tornado strike the detention center, the shift supervisor shall assess the damage and evacuate prisoners if the structural integrity of the building is compromised. If possible, an immediate 911 call shall be made by the detention officer summoning assistance from the Fire Department. Any prisoners placed in jeopardy by damage caused from the tornado, shall be moved to a location of safety. The location shall be to another cell not threatened by damage caused by the tornado. If evacuation of the
detention center is necessary, the evacuation route shall be through detention center doors into the prisoner garage. A diagram of the detention center and the emergency evacuation route is posted in the booking room and in the detention office

(e) **Medical Emergency** - If a medical emergency (life-threatening) occurs within the detention center, the detention center alarm shall be sounded when assistance is needed. If an ambulance is necessary, it shall be summoned immediately by the detention staff by notifying Hennepin County Sheriff’s Dispatch. Dispatch shall be advised if any additional police assistance is needed along with a request to notify the supervisor.

(f) **Violent Prisoner** - Should a prisoner become violent, the detention officer shall not attempt to subdue the individual alone. Instead, police personnel shall be summoned for this purpose.

1. When subduing violent prisoners, at least two officers shall be present. When necessary restraints shall be used for the protection of the prisoner and others. Use of restraints shall be documented in the worksheet.

2. If a violent person, a person booked on a violent charge, a suicidal or potentially suicidal person comes in wearing glasses, remove the glasses from the person (if the lenses are glass) and inventory the glasses in their property.

(g) **Power Failure** - When a power failure occurs, the emergency generator, located in the mechanical room of the police facility, is designed to automatically activate in three seconds supplying emergency power to the detention center.

(h) **Mechanical Malfunction** - Any malfunction critically hindering the operation of the detention center shall be immediately reported to the shift supervisor who shall assess whether the malfunction endangers the welfare of staff and prisoners. If necessary, prisoners shall be evacuated according to the Emergency Plan. In the event of any type of emergency, Special Incident Reporting Forms shall be completed as soon as possible and notation made on the Daily Log.

(i) **Drills for Emergencies** - Drills shall be scheduled quarterly for fire and tornado emergencies and shall be documented in the Daily Log, and shall include:

1. Activation of the detention center alarms and a test of the smoke alarms with aerosol cans;

2. Section concerning instructions in the use of the alarm systems and signals;

3. Emergency
   - Assignment of persons to specific tasks.
   - Systems for notification of appropriate persons outside the detention center.
   - Information on the location and use of emergency equipment in the detention center.
   - Specification of evacuation routes and procedures.
900.7 PRISONER WELFARE

(a) Separation of Prisoners - Female prisoners shall not occupy the same cell with a male prisoner. Juvenile prisoners shall be placed in a cell with the greatest distance practical from a cell occupied by an adult and shall be separated from adult prisoners by sight and sound. When a juvenile is placed in the detention interview room, the window cover will be secure on the interview room door. During booking/releases of juveniles there will be no other prisoner movement in the detention center. No adult prisoners will be out of their cell or in the booking vestibule. In the event a prisoner is being interviewed in an interview room, the other prisoner will be secured prior to any movement. When prisoners are placed in cells, there must be at least one vacant cell between a juvenile and an adult. In the event that the detention center population does not allow at least one vacant cell between a juvenile and an adult, contact the shift supervisor to arrange the juvenile’s transport to another facility or to arrange the juvenile’s release. Prisoners who have been identified as dangerous or have indicated a propensity towards violence or being detained on a mental commitment shall be kept separate from all other prisoners. Any prisoner suspected of having a contagious disease shall be kept separated from other prisoners. Prisoners who are believed to be mentally ill or mentally retarded are to be single-celled. Detention staff who has reason to believe that a prisoner is in imminent danger of injuring self or others due to mental illness or mental retardation must notify the Shift Supervisor immediately. A peace officer will then be assigned to determine if the prisoner will be released and transported to a treatment facility pursuant to M.S.S. 253B. 05, Subdivision 2, “Minnesota Emergency Commitment Act”.

(b) Prisoner Restraint - The use of force against any prisoner shall be commensurate with existing State law governing the use of force or applicable case law, whichever is appropriate for the given circumstances. Minnesota Statutes related to use of force shall be included in the staff training. Instruments of restraint such as handcuffs, leg irons, pro-straint restraint chair or plastic restraints shall be used in the following circumstances:

1. As a precaution against escape during transfer or any time the prisoner is moved from the secure detention center to another location
2. To prevent a prisoner from injuring self or others or from damaging property
3. On medical grounds, by direction of the physician or psychologist
4. The restraints shall not be applied for any longer time than is necessary. Each incident involving the use of restraints as a means to control an unruly prisoner shall be documented in Prisoner Worksheet. Document the date and time restraints are placed on and removed from prisoner
5. Instruments of restraint shall not be used as a means of punishment nor shall any prisoner be subjected to unwarranted physical or verbal abuse.

(c) Prisoner Visitation Adult - Any member of another criminal justice agency, prior to entering the detention center area, shall secure all weapons into a weapon locker. When such a person is not in an identifying uniform, the person must prominently
display a visitor pass or Police ID. When the visit is for the purpose of a prisoner interview, it shall be noted on the worksheet.

1. Visitors and Clergy will be placed in the lobby interview room next to door D, turn on the visitor monitor. The prisoner will be placed in I-1 and the monitor will be turned on.

2. Visitation of adult prisoners will be permitted, but limited to immediate family members, clergy, and the prisoner’s attorney. Immediate family members shall include: spouse, parents, grandparents, brother, sister, and adult children. Juveniles will not be permitted to visit with prisoners.

3. An attorney or member of the clergy may visit a prisoner at any time upon request. Visitation by family members shall be restricted to between 0900 hours and 1000 hours any day of the week. Attorneys may have contact visits if requested. These are to take place in a detention interview room in a non-monitored setting.

4. All visitors shall be required to identify themselves by picture identification, give their name, address and their relationship to the prisoner. The visitor shall record this information on a Visitor Application Form (400.10.20). These completed forms shall be placed in the prisoner’s file. All visits shall be recorded on the Prisoner Worksheet.

5. Attorneys must present their bar identification card and/or business card for verification of status. Clergy must present identification which verifies their status.

(d) **Denial of Visitation** - Visitation may be denied by the person in charge of the detention center under the following circumstances:

1. Reasonable belief that the visit might endanger detention center security
2. Prisoner refuses visit
3. Visitor is under the influence of drugs or alcohol.
4. Insufficient space is available
5. Visitor refuses to submit to search procedures.
6. Visitor refuses or fails to produce sufficient identification or produces falsified identifying information.
7. When a denial occurs, the reason(s) shall be documented and noted on the Prisoner Worksheet.
8. When an active investigation is going on prior to prisoner speaking to an investigator.

(e) **Prisoner Visitation Juvenile** - The procedures applicable to adult prisoner visitation are also applicable to juvenile prisoners, with the exception that juvenile visits shall be limited to parents, guardians, clergy and attorneys and shall be permitted at any time.
(f) **Prisoner Feeding** - Any prisoner held, or expected to be held, for a time frame in excess of three hours, shall be fed a menu selection in compliance with the appropriate meal time:

1. **BREAKFAST - 0700**  
   **LUNCH - 1130**  
   **DINNER - 1700**

2. Meals will be served by the detention officer. The food shall be served in the container supplied by the vendor and placed on a serving tray. Prisoner meals shall be logged in Aegis. Staff shall feed prisoners by passing the food on the food tray through the food pass. The food pass shall be locked until the food containers are picked up by the detention officer.  
   When necessary a plastic eating utensil (spork) shall be provided. Upon completion of the meal, it shall be the responsibility of the detention officer to retrieve the eating utensils and trays.

3. Prisoners requiring therapeutic diets shall be evaluated and accommodated if able. If unable, the prisoner should be released from the Brooklyn Park Detention Center or transferred to a facility which is able to accommodate the diet requirement.

4. Food shall not be withheld as punishment.

5. Staff shall ask the prisoner if the prisoner requires a meal before preparing the food. If the prisoner refuses a meal, this will be documented on the Prisoner Worksheet and in Aegis.

6. Meals shall consist of the following:  
   - **Breakfast**: 1-Great Starts breakfast (eggs, bacon or sausage), 2- slices of whole grain bread, 1-half pint 2% milk and 1-half pint orange juice.  
   - **Lunch**: 1-Banquet Turkey meal (turkey, stuffing, mashed potatoes, peas), 2-slices of whole grain bread, 1-Dole fruit cup, 1- half pint 2% milk.  
   - **Dinner**: 1-Banquet Beef meal (meatloaf, potatoes, peas) and 2-slices of whole grain bread, 1-Dole fruit cup, 1- half pint 2% milk.  
   All in hot meal form.

(g) **Hunger Strike Policy** - If a prisoner chooses not to eat while in custody, this should be noted on the Prisoner Worksheet and on the Daily Log. Detention staff should also video tape all attempts to provide meals to prisoners if this is an ongoing issue. The shift supervisor should be notified as soon as possible. Prisoner care will be monitored by detention staff and shift supervisors. Should the prisoner become too weak or incapacitated, medical attention should be sought and the prisoner transferred.

(h) **Telephone Calls** - The telephones in each of the cells are available to adult prisoners only. Calls are automatically disconnected by the system at the end of fourteen minutes. Local or long distance telephone calls to anyone other than attorneys are collect calls. Each time a prisoner makes a call from a cell telephone it is recorded.

1. All attorney phone calls are free of charge and allowed at any time by any prisoner. There is a phone book available for the prisoners. The telephone number will be verified prior to making the call.

2. Blocking of phone numbers will be done by detention officers prior to turning on the phone. When a Victim Information Form is required, the detention officer must inform the prisoner not to call the victim (three way
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calls) and there will be a record of any attempt to contact the victim. Additionally, those that do contact the victim will not be able to make future telephone calls. This information shall be documented on the worksheet.

3. Prior to transporting a prisoner to another facility or court, the cell telephone will be shut off for security reasons.

4. Juveniles will not have access to the telephones in the cells. Police officers will make necessary phone calls to the parents or guardian on the juvenile’s behalf.

5. All adult prisoners are permitted to make telephone calls while being held in the detention facility unless the following exists:

   - A shift supervisor or investigator informs the detention officer that a prisoner is on telephone restriction. This will be done in cases where an investigation could be hampered by a phone call, such as a pending search warrant, or when others are to be arrested.
   - Authorization for telephone restriction is given by the shift supervisor or investigator only.
   - The shift supervisor or investigator will advise the detention officers of the telephone restriction.
   - Detention officers must document the telephone restriction on the Prisoner Worksheet.
   - Telephone restriction must be removed when the circumstances outlined above no longer exist. When a prisoner is placed on telephone restriction, it shall be documented on the Prisoner Worksheet, along with the date, time and name of person who has placed the prisoner on the telephone restriction. Additionally, the same information must be documented when the prisoner is taken off telephone restriction.

6. Attorney telephone calls are never restricted. If a prisoner on telephone restriction requests to contact an attorney, that attorney call must be handled in the following method:

   - Use of the Evercom System
   - Ask for the name and telephone number of the attorney
   - The detention officer makes the telephone call and verifies it is an attorney’s office and there is an attorney by that name.
   - This shall be documented in the Prisoner Worksheet.

   (i) **Bedding** - Any prisoner placed in a cell will be issued a pillow and blanket. When the cell is vacated, the mattress and the pillow shall be cleaned and a clean blanket shall be placed in the cell. Only clean blankets shall be issued. The decision to deprive a prisoner of bedding, as a result of the prisoner’s destruction of those items, must be reviewed by the shift supervisor during each eight hour period. The shift supervisor
shall document the review in the Daily Log and the Prisoner Worksheet (400.10.14). Reasons for removal of bedding shall include when the prisoner's behavior threatens the health, safety, or security of self, other persons, or property. The decision to return bedding to a prisoner shall be made by the shift supervisor as soon as it is reasonable to believe that the behavior that caused the bedding to be removed will not continue.

(j) Prisoner Medical Supervision - All functions regarding control of medication, delivery of medication, and medical care shall be logged on the Prisoner Medical Record. As referred to in the following policy, legend drugs are prescription medicines and non legend drugs are over the counter medicines. Control of medication and storage of medication shall be as follows:

1. Medicine must be stored in the appropriate locked property cabinets. Internal and external medicines shall be kept separately in the corresponding cabinets.
2. The medicine cabinets shall be kept locked at all times.
3. Medicine requiring refrigeration shall be stored in the secured refrigerator located in the kitchen.
4. At no time shall prisoners be allowed in the detention office.
5. Only the shift supervisor or the detention officer shall have access to the medicine cabinets and deliver medicine to prisoners. Multiple prescriptions/medicines shall be logged on the Prisoner Medical Record. The form is to be kept with the prisoner's paperwork. This form is only meant to assist detention officers in the disbursement of medication and is not to replace any of the above mentioned mandatory forms.
6. At no time shall stock supplies of legend drugs be maintained.
7. Prescribed medicine shall be kept in its original container bearing the original label. Any medications not in the proper container or not bearing the original label shall be property inventoried for disposal. The type and quantity of medicine and "inventoried for disposal" shall be noted on the Prisoner Medical Record.

(k) Delivery of Medication - No medication (legend and non-legend) shall be delivered to a prisoner except under the direction of a physician, with the exception of a prescribed inhaler, nitroglycerin, epinephrine or insulin. When a prisoner comes in with medication, the following shall be done:

1. Ascertain if the prisoner will need the medication while in custody.
2. If they will need their medication, make all available efforts to contact the attending physician and get verbal authorization for the medication.
3. If this cannot be done, the prisoner shall be transported to North Memorial ER so the physician can check the prisoner, check the medication and give authorization.
4. Medicine administered by injection shall be administered by a physician, registered nurse, or licensed practical nurse. Diabetics under physician
order and direct staff supervision shall be permitted to self-administer insulin.

5. All medicine delivered to a prisoner shall be self-administered under staff supervision.

6. All medicines shall be recorded on the Prisoner Medical Record as follows:
   1. Time of delivery.
   2. Name of medication and dosage.
   3. Name of physician authorizing medicine to prisoner.
   4. Instructions for use of medicine.
   5. Whether the medicine was ingested or refused
   6. Name of staff delivering medicine.
   7. When the physician is contacted concerning adverse reactions or prisoner refusal of medicines.
      - Time of delivery.
      - Name of medication and dosage.
      - Name of physician authorizing medicine to prisoner.
      - Instructions for use of medicine
      - Whether the medicine was ingested or refused
      - Name of staff delivering medicine.
      - When the physician is contacted concerning adverse reactions or prisoner refusal of medicines.

8. No prisoner shall receive non-legend medicines while receiving legend medicines unless approved by the attending physician.

9. No prisoner shall be deprived of medicine as prescribed because of penalty or staff retaliation.

10. Delivery of medicine by prisoners is prohibited.

(l) Medical Care

1. Area ambulance services and hospitals provide 24 hour service for the medical needs of the prisoners.

2. Emergency dental services are provided by HCMC at (612)347-2121.

3. When a prisoner in custody is injured or becomes ill and is in need of medical treatment, the shift supervisor will be notified and medical treatment will be summoned. The prisoner shall be taken to a local hospital for treatment and remain under guard for the duration of the treatment. The telephone number and availability of services is posted in the detention office. medical center for emergency treatment and requires
admittance to the medical center will be processed in the following manner:

1. **Prisoner Charged with Felony** - If the felony stems from a property crime, the person may be released from custody upon approval of the on-duty supervisor. When the charge is based upon a crime against a person, the prisoner shall remain in custody under 24 hour per day guard provided by our agency, or by HCSO guard if at HCMC unless the attending physician declares the person to be incapacitated. An incapacitated prisoner needs no guard. However, the hospital shall be instructed that if the prisoner's condition improves or the prisoner becomes mobile, the hospital shall immediately contact the Brooklyn Park Police Department for posting of a guard. *After a prisoner has been charged by complaint, the responsibility for guarding transfers to the county.*

(m) **Significant Exposure** - A "Significant Exposure" is defined in M.S.S. 144.761, Subdivision 7 and restated in Brooklyn Park General Order 359.02, paragraph G, and shall be handled as follows:

1. "Significant Exposures" of prisoners shall immediately be reported to the shift supervisor by detention staff. The shift supervisor must ask the prisoner to consent to blood testing to determine the presence of the HIV virus or the hepatitis B virus. The prisoner must also be informed that the test results, without personally identifying information, will be reported to North Memorial Medical Center personnel. The prisoner shall also be informed of their right to refuse testing.

2. A Special Incident Form will be completed by the detention officer. The on-duty supervisor will complete the First Report of Injury Form.

3. The Shift Supervisor will notify medical personnel at North Memorial Medical Center if a prisoner refuses testing.

4. Prisoners suffering a "Significant Exposure" who consent to testing will be transported via squad car to North Memorial Medical Center on an "in-custody" basis. After testing has been completed, the prisoner can be returned to the Brooklyn Park Detention Facility, transferred to another detention facility, or released.

5. "Significant Exposures" and follow-up actions taken shall be detailed on the Prisoner Medical Record Form.

6. Detention officers must wash their hands/elbows by using plain soap and water, using friction, removing jewelry, rinsing and using paper towels. Gloves are to be worn and an optional face-shield/mask is recommended. Handle contaminated garments carefully. Blanket/pillow can be washed normally in washer/dryer.

(n) **Infectious Waste Handling** - Detention officers should utilize the blood spill cleanup kit which consists of gloves, detergent, disinfectant, bio-hazard labeled bag, and a scrub
brush. Detention officers should clean up the blood first scrub, let air dry and spray with disinfectant. For larger spills O&M will be notified.

(o) **Prisoner Rules** - The following rules for inmate behavior shall be posted in the booking room:

1. It is the responsibility of all prisoners to follow directives by staff.
2. A prisoner shall respect the rights of others by not creating noise sufficient to disturb others. Noise level shall be kept moderate at all times.
3. Any horseplay, shoving, shadowboxing, running, throwing objects, or shouting is prohibited.
4. A prisoner shall be properly dressed for each respective area and activity in the detention center. Any movement out of a prisoner's cell requires full state of dress. Shirts shall be buttoned.
5. Nothing shall be placed in or on the cell door window.
6. Telephones shall not be used for harassing, threatening or obscene calls to anyone.
7. No food storage shall be allowed. Utensils and food containers shall not be altered in any way, kept in prisoner possession, on the prisoner or in the prisoner's cell.
8. No prisoner shall use, control, or have in the prisoner's possession, any Brooklyn Park Detention Center property without permission from Brooklyn Park Detention Center staff.
9. Alteration, defacing or removal of any equipment or fixture of the detention center or personal property is not allowed and criminal charges may occur.
10. Each prisoner is to maintain a socially acceptable level of personal hygiene.

(p) **Prisoner Hygiene** - No prisoner shall be deprived of the use of materials necessary to maintain an acceptable level of personal hygiene.

1. Delousing materials shall be given to prisoners in need of delousing and the instructions shall be read to the prisoner by staff. If the prisoner does not voluntarily use the "Rid" delousing material, then staff shall render assistance to the prisoner in need of delousing.
2. Prisoners shall be permitted daily washing.
3. Prisoners shall be issued a personal hygiene bag if they are held overnight. The hygiene bag includes soap, toothbrush, toothpaste, etc.

(q) **Sacred Books** - A prisoner desiring to read the Bible or sacred book of another religion shall be provided a copy. Bibles and sacred books are stored in the booking room along with AA or NA books.

(r) **Prisoner Dayroom** - Prisoners held longer than twenty-four hours may be allowed to use the detention center dayroom. A television and reading materials will be provided for use in the dayroom.
1. Prisoners must be allowed out of their respective detention cells for a minimum of two hours during every twenty-four hour period after their initial twenty-four hours of confinement.

2. This two hour minimum may be broken up into one hour periods separated by time administratively necessary due to other detention center operations.

3. Whenever possible, dayroom use should be by only one prisoner at a time. In no case will more than two prisoners be in the dayroom at one time.

4. If two prisoners are using the dayroom at the same time, they must be of the same sex.

5. The door to the dayroom must be locked while in use by prisoners.

6. Use of the dayroom by prisoners must be noted on the Prisoner Worksheet as to the time the use started, time completed, and identity of the prisoner(s) who used it.

7. Prisoner’s who are intoxicated or who have displayed violent, threatening, abusive or suicidal behavior may be denied use of the dayroom. Denial of use must be noted on the Prisoner Worksheet.

8. Another officer must be present when a prisoner will be transferred to or from the day room.

9. A pat down search of the prisoner is conducted once the prisoner has exited the dayroom and is going to return to their cell.

10. A shakedown of the dayroom shall be conducted by detention staff once the prisoner has been secured in his/her cell. This shakedown is documented in the Daily Log.

(s) Prisoner Mail - Prisoners being confined in the detention center are allowed to send and receive mail processed by the United States Postal Service. No restriction exists on the amount of incoming or outgoing mail for a prisoner.

1. Stamps are not provided. Stamps may be purchased by prisoners from the police department at face value from the prisoner's funds.

2. Mail may be inspected for contraband in the presence of the prisoner. Contraband discovered will be removed from the mail and property inventoried in accordance with department policy.

3. Mail may not be censored if it is between the prisoner and an elected official, the Department of Corrections, attorneys or officers of the court.

4. Mail received for a prisoner after the prisoner has either been released or transferred will be forwarded to the prisoner’s address on record.

5. Packages, magazines and newspapers sent via the mail to a prisoner may not be accepted.

6. Money received shall be inventoried on the prisoner’s property sheet and added to the amount they arrived with.
(t) Accommodation of Prisoner Disabilities – The completion of the Medical Screening Form at the time of prisoner booking should include an assessment of any disabilities a prisoner may have.

1. All prisoners with disabilities and special needs related to those disabilities must get appropriate attention.

2. In cases where the physical design and equipment of the Brooklyn Park Detention Facility cannot accommodate a prisoner with a disability, the duty supervisor shall be notified by the detention staff. The duty supervisor must then arrange for detention of the prisoner in another facility which can appropriately accommodate the prisoner’s disability.

(u) Suicidal Inmates/Watch - Assessment of a potential suicidal prisoner is conducted by the arresting officer, detention officer and/or shift supervisor. The assessment is generally done during the medical screening questionnaire and during the first hour of confinement when the cell checks are done every 15 minutes. The following may be allowed at the discretion of the shift supervisor for a prisoner who professes suicidal thoughts and/or has a history of attempted suicide:

1. Placement in the Pro-Straint chair. Depending upon the prisoner’s level of cooperation, the back support may be left in place and the soft wrist restraints used instead of handcuffs.

2. Specialized clothing. Prisoner removes his/her clothing and puts on the clothing provided by detention staff.

3. Removal of bedding items, supplies.

4. Fifteen (15) minutes checks. The suicidal prisoner will be physically and visually checked at 15 minute intervals. These checks will be documented in Aegis. The initial placing of the suicidal prisoner on 15-minute checks and who authorized the checks will be documented on the Prisoner Medical Record. When the prisoner is taken off the 15-minute checks, this information along with the supervisor authorization of the removal of the checks is documented on the Prisoner Medical Record.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented. The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.
(d) The individual’s initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes for the first hour and then 30 minutes after unless prisoner is suicidal, violent etc.

(f) Safety checks should be at varying times.
   - All safety checks shall be logged.
   - The safety check should involve questioning the individual as to his/her well-being.
   - Individuals who are sleeping or apparently sleeping should be allowed to sleep unless there is a reason to awake them.
   - Requests or concerns of the individual should be logged.

900.9 REPORTING OF SPECIAL INCIDENTS
All incidents which endanger the safety of staff or prisoners and/or threaten the security of the physical facility shall be reported in writing to the Department of Corrections and the Hennepin County Sheriff within 10 days. Such reports shall include the name(s) of person(s) involved (staff and prisoners), nature of the occurrence, actions taken, and the date and time of the occurrence.

(a) Special incidents include:
   1. Attempted suicide.
   2. Suicide
   3. Homicide
   4. Death other than homicide or suicide
   5. Serious injury or illness incurred after detention
   6. Fire causing serious damage
   7. Riot
   8. Assaults requiring medical care
   9. Escape or runaway
   10. Sexual misconduct
   11. Occurrences of infectious diseases and disposition of the occurrences

(b) Reporting of Special Incidents. The report to the Department of Corrections shall be prepared on the Special Incident Reporting Form, supplied by that agency. The detention officer shall be responsible for the preparation of the form prior to the completion of the current shift. The original shall be attached to the original detention paperwork. The facility administrator (assigned Inspector) shall also notify the Minnesota Department of Health for Item #. The Chief of Police or the assigned Inspector shall be notified as soon as possible whenever any special incident occurs.
(c) **Death Occurring in the Detention Center** - When death occurs in the detention center, the Medical Examiner’s Office and the Hennepin County Crime Lab shall be notified by the shift supervisor. The phone numbers for these resources are posted in the detention office. The affected portion of the detention center shall be sealed with access limited to those directly involved with the investigation.

1. Prisoners in the detention center when the death of another occurs shall remain confined as part of the investigation. Prisoners in the same cell with the deceased shall be moved to another cell. When possible, all prisoners shall be sequestered from one another. The date, time and circumstances of the prisoner's death shall be recorded in the Daily Log (400.10.6), on the Special Incident Reporting Form (400.10.8), and in the prisoner's Medical Record Form. The shift supervisor shall contact the detention officer to supply the information which shall be recorded in the prisoner's Medical Record Form.

2. Any incoming prisoners that require booking during such an incident shall be taken to the Hennepin County Adult Detention Center until the investigation has been completed. The investigators assigned to the case shall notify the detention officer that the investigation is complete and to resume normal booking procedures.

3. In the event of serious illness, accident, or imminent death, the prisoner's family or others who maintain a close relationship with the prisoner shall be notified by the shift supervisor. Notification of a deceased prisoner's family or others who maintain a close relationship with the prisoner shall be the responsibility of the Medical Examiner's Office.

4. Any deceased prisoner's property, not pertinent to the investigation, shall be retained by the Brooklyn Park Police Department and released only after consultation with the city attorney.

5. Brooklyn Park Police Officers and Brooklyn Park Detention Officers are prohibited from speaking with anyone concerning a special incident except a member from another criminal justice agency while acting in an official capacity or with specific authorization of the Chief of Police or the chief's designee.

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**900.10 MINNESOTA DATA PRACTICES ACT**

Allows the following six items to be obtained by the public without need of identification or authority:

a. Whether or not an inmate is in custody.

b. Name, age, sex and last known address.

c. What the charges, holds or detainers are.

d. What the conditions of release are.

e. The time, date and place of next court appearance.

f. Bail amount if any.
Private data can be examined, with identification, by the subject of that information and by other approved government authorities.

Confidential data is used primarily by the Responsible Authority of that data and cannot be obtained by the subject of that data.

ALL REQUESTS FOR INFORMATION THAT IS NOT PUBLIC DATA SHALL BE FORWARDED TO RECORDS PERSONNEL.

900.11 OUTSIDE AGENCY BOOKINGS
Outside agencies using our facility to book and hold their arrests shall use these guidelines when staff and space are available in our facility:

(a) Permission to book will be received from our duty supervisor prior to arrival at our detention facility

(b) The outside agency will follow all policy and procedures of General Order 400 "Detention Facility".

(c) The outside agency personnel will stay with their prisoners until the entire booking process and all paperwork have been completed and the prisoner has been placed in a cell.

(d) The outside agency will provide and/or complete all necessary forms and reports required by the courts for persons held in-custody at the time of booking. These forms include:
   1. Brooklyn Park Police Department Arrest Booking Form.
   2. Brooklyn Park Police Department Medical Screening Form.
   3. Hennepin County Authority to Detain Form.
   4. Approved 48 Hour Form (when applicable).
   5. 36 Hour Hold Form (when applicable).
   6. Tab Charge Cover Sheet (when applicable).
   7. Victim Information/Notification Form (when applicable).
   8. Offender Tracking Form (when applicable)
   9. Police Incident report. This shall be faxed or delivered to the Brooklyn Park Police Department as soon as possible.

(e) Questions and phone calls regarding prisoners being held for an outside agency shall be directed to that agency's office.

(f) Outside agencies shall have any prisoner medication that is needed and the written authorization from a physician prior to booking. Prisoners on medication or in need of medication will not be allowed into the Detention Facility without their medication and written authorization from a physician.

(g) If a medical problem (non-emergency) occurs, the outside agency will be notified and shall make a decision as to what is to be done. Options include release pending a
complaint or transporting to the hospital. If the prisoner goes to the hospital, the outside agency will transport and incur the hospital bill.

(h) If a medical or other emergency involving an outside agency’s prisoner occurs, the detention staff is to take the appropriate action as if the prisoner were arrested by our staff. As soon as possible, the duty supervisor of the outside agency shall be notified of the situation.

900.12 FORMS/RECORDS/LOGS

(a) **Arrest/Booking Form.** The Arrest/Booking form shall be completed for all persons that are arrested and brought into the detention center by Brooklyn Park Police or for persons arrested by another criminal justice agency and temporarily housed in the Brooklyn Park Detention Center. The arresting officer completes the arrest information sheet. The detention officer completes the arrest sheet. If information is unknown, mark with the word unknown in that space. If information is not applicable, mark N/A in the space; a copy is given to the arresting officer.

(b) **PERSONAL PROPERTY INVENTORY.** Itemize all property taken from the prisoner indicating:

1. **Item Number.** Chronological listing of inventoried property. Item: Belt, comb, ring, etc.
2. **Color.** Color of item. Describe metals and stones by color. For example, a gold ring with ruby settings should be described as a yellow ring with red stones. Do not use gold or silver to describe jewelry.
3. **Description.** Note damage, alterations or additional characteristics of items
4. **Ret/Rel:** If property is returned to the prisoner, mark an X in this column. If property is released to another person (NOT law enforcement related), write REL in this column. Do not write anything in this column when the item number has been circled indicating the item has been retained in the property/evidence area.

(c) **CHECK/CASH INTAKE/RELEASE.**

1. **Intake Check.** List the total dollar amount of all checks in prisoner’s possession.
   
   For example, payroll checks would be added together and listed here. Note: Blank checks such as checking account checks should be listed in the Item spaces (i.e., Item-blank checks, color: blue, description: 1401-1465 or 1406 is missing if a check is not present in the chronological order.)

2. **Number of checks at Intake:** Actual number of checks in prisoner’s possession
3. **Cash total at Intake:** Indicate amount. If amount is over $100, have the arresting officer initial next to amount, verifying the total counted.
4. **Disbursement:** Indicate the amount that was disbursed from prisoner’s account.
5. **Cash Total at Release:** Subtract any disbursements from the cash total at intake and record the cash total at release.
OFFICER INITIALS. The arresting officer who assists with the booking, recounts prisoner funds and initials any dollar amount over $100.

PRISONER SIGNATURE. Prisoner signs for property at intake and release. If prisoner refuses to sign, write refused and initial.

FINAL RELEASE. Date and time the prisoner is released from BPDC.

PERSONAL PROPERTY TO BE RELEASED. Write the item number and description of the item as listed in the Personal Property and Money Inventory that is going to be released to an outside person (family member, etc., NOT law enforcement related.) ID required of receiving party. No release if during ongoing investigation.

PERSONAL PROPERTY TO BE RECEIVED. Write the item number and description of the item as you have added the listed on the Personal Property and Money Inventory. (An example of property brought in for prisoners could be medication, court clothes, etc.) Keep to a minimum.

PROPERTY GIVEN TO TRANSPORT OFFICER. Write the name, badge number and agency doing the transport.

SPECIAL NOTATIONS/REMARKS. Write in any comments, (i.e., phone restriction, combative, etc.)

SUPERVISOR SIGN OFF. The shift supervisor writes in the disposition of the prisoner and signs here.

INVESTIGATOR. Sign off – same as above except investigator.

ITEM NUMBERS CIRCLED. When an officer takes personal property for evidentiary purposes, they must sign in this box.

ITEMS WERE RETURNED. When items are returned to a prisoner (from the arresting officer), the officer signs here.

CHECKS/CASH. Any checks and/or cash released/received should be documented here.

PRISONER AUTHORIZATION. This signature serves as authorization from the prisoner to release any property to someone else (other than law enforcement.)

SIGNATURE OF DONATOR/PERSON RECEIVING PROPERTY. This signature will be of the person bringing in property or receiving the property from the prisoner.

(d) Daily Log. The purpose of the daily log is to document activities occurring within the detention center. Entries made in the Daily Log shall be signed by the staff logging the information (i.e., initials). At no time shall correction fluid or complete blacking out of information be used in the Daily Log. To correct an error, draw one line through the information and initial the area. Each Daily Log shall encompass a 24 hour time period and shall include the following:
1. **Admission & Releases (entered in Aegis).** In the comment portion of the form, log the prisoner's booking number, name, D.O.B., charge when booked (admitted), and the cell number and time the prisoner is placed in the cell. When the prisoner is released, log the booking number, the prisoner name and prisoner disposition.

2. **Security Rounds (entered in Aegis).** Shall be conducted and recorded on the Daily Log at least every 15 minutes during the first hour of confinement, (confinement meaning the time the prisoner is placed in the cell) and at least every 30 minutes thereafter. Under comments indicate booking numbers and indicate either routine or note any irregularity. Log security rounds as follows: 1400/Security Round/89-0000/Routine/ 89#0001/Verbally abusive and loud. Security rounds should be recorded to the exact minute, if a security round is missed the reason should be documented (i.e. bookings, court run, paramedic arrival etc.)

3. **Prisoner Meal (entered in Aegis, unless prisoner refuses entered on worksheet).** Log the prisoner's booking number and which meal was served: Breakfast, lunch or dinner. Note any special concerns during the meal period, such as when a prisoner refuses a meal, (i.e. Prisoner Meal/89#0123/received dinner/89#0124/refused). Otherwise, note routine directly after the meal listed, (i.e., Prisoner Meal/89-0123/89-0124/received breakfast/routine.)

4. **Special Incidents (entered in Aegis).** Enter any deaths, serious injuries or illnesses, fire, riot, assaults, escapes or runaways, serious disturbances, or prisoners detected with infectious disease. A Special Incident Reporting Form shall be completed (400.10.8). (i.e., Special incident/fire in cell 3/Clear 1320/ See Special Incident Report by Officer Jones.)

5. **Medication to Prisoner (entered in Aegis and worksheet).** Log the prisoner's name receiving the medication in the comment section. See 400.10.15 Prisoner Medical Record to document all other pertinent information. (i.e., 0800/ Medication/Smith, James/See prisoner medical record.)

6. **Detention Center Alarm and Fire Alarm.** Whenever the alarms are activated, except during tests, the following shall be noted in the Daily Log: The time, whether the alarm is a fire alarm or detention alarm, the cause of the alarm, and the time the alarm is reset (i.e., 0730/Detention Center Alarm/89-0000 See Officer Smith’s report/alarm reset 0732.)

7. **Visits (entered in Aegis and worksheet).** Prisoner visits. Record the name of the prisoner and the name of the visitor and the relationship. (i.e., 0900/ Visit/97-1500/ Smith, James Joseph/Smith, George Alan/father)/Complete @ 0920 hours.

8. **Tour.** Tours are conducted when there are no prisoners in custody, interviews or bookings taking place. Note the authorized personnel conducting the tour and the number of persons in the tour. (i.e. Tour/P. Smith in with tour of 2/complete 1009.)
9. Violent Prisoners Requiring Restraints (entered in Aegis and worksheet). The prisoner's name and reason for restraints shall be logged in the comment section. The time restraints are removed shall be logged on the same line. This information shall also be recorded on Prisoner Worksheet (i.e., 0915/Restraints/89-0000 hands and feet restrained/injuring self/removed at.)

10. Formal Counts. Shall be entered at the times listed in the 400.6.11/Count Procedure. An example of a log entry for count: 0600 / Shift Change/Prisoner Count = 8 prisoners.

11. Cleaning of the Detention Center. Cleaning of the Detention Center by the contracted company shall be entered as follows: (i.e., 1000/cleaning staff/in Detention Center/complete 1030.)

12. Work Request. Upon completing a work request the following information shall be entered in the log: Time/Work Request/the item needing work and the reason (i.e., 0715/Work Request/Submitted for lock in door A/Keys stick in lock.)

13. Transport Request (on worksheet). Log this information each time transport requests are made, including repeat requests. When requesting transport from any agency, record the following in the Daily Log: Time/Transport Request/The agency contacted and the booking number of the prisoner (i.e., 1215/Transport Request/HCSO contacted for transport of 97-1234 to HCADC.) In the event transport is canceled, log this information: Time/Transport canceled/agency contacted and the booking number of the prisoner (i.e., 1230/Transport canceled/HCSO contacted to cancel transport of 97-1234.) Transport is available from 0700-2300 Monday-Fridays. There is NO transport on weekends or holidays. Prisoners will be transported by BP officers during these times.

14. Phone Calls (entered in Aegis). Shall be entered in the log as follows: Time/Phone call/prisoner name/phone number/callers name/relationship/whether the call was completed (i.e., 1420/Phone call/Smith, John Lee/500# 9000/Jones, Robert/Complete.)

15. Cell Shakedowns. Entries in the log shall include: Time/Cell Shakedown/Cell number/Whether the cell is secure or if damage and/or contraband is present/Note if a report is made and refer to the staff writing the report (i.e., 1410/Cell Shakedown/Cell 3/Door paint damaged/See report by Off. Jones.)

16. Prisoners transferred from one cell to another shall be logged as follows: Time/Cell Transfer/Prisoner's booking number and the cell numbers (i.e., 1502/Cell Transfer/89-0000 moved from cell 2 to cell 4.)

17. Interview (entered in Aegis). Interviews with prisoners shall be logged in the Daily Log in the following manner: Time/Interview/Prisoner's booking number, the name of the officer conducting the interview, the room the interview takes place in/the time the interview is completed. (i.e., 708/Interview/89-0000 with Det. Jones in room I-2/Complete 1721.)

18. Inspection. Shall be logged by the Shift Supervisor and shall include: Time/Inspection/Detention Center inspected/Secure (or if concerns are present, make an entry here.)/Number of prisoners.
19. Shall be logged by either of the officers conducting the test. Tests shall be entered and include: Time/Alarm Test /Detention Alarm#secure/Fire Alarm secure.) If equipment does not operate properly, note the malfunction immediately after that specific alarm (i.e., Time/Alarm Test/Detention Alarm bell does not ring in investigation area/Fire Alarm secure.) See 400.6.8 and 400.7.2

20. Maintenance. Shall be logged by the detention officer as follows: Time/Maintenance/The equipment that is being maintained or repaired/Completed @ time.

21. Paramedics. Requests for, contact with, and departure of paramedics must be logged.

22. Use of Prisoner Dayroom. Shall be entered in the Aegis, and the Prisoner Worksheet as follows: 0800/Prisoner Dayroom/89-0000 in Dayroom /Complete 0900.

23. Medicine Inventory. Shall be logged as follows: 93-0000/72 tablets Ibuprofen/ placed in internal medicine cabinet. This information must be recorded in the Aegis and Prisoner Medical Record and Special Incident (if applicable).

24. Medicine Release. Shall be logged as follows: 93-0000/72 tablets Ibuprofen/ released with prisoner to court.

25. Strip Searches. Shall be logged in Aegis and the Prisoner Worksheet as follows: STRIP SEARCH/TIME/DATE/BY WHOM, and; Shall be logged in the Daily Log as follows: TIME/STRIP SEARCH/BOOKING #/PRISONERS NAME/RTNE OR CONTRABAND FOUND.

(e) Property & Inventory Report. This form shall be completed when prisoner property is found or held as evidence.

(f) Special Incident Reporting Form. This form is to be completed for all incidents involving death, serious injury or illness, serious assaults, escape or runaway, serious disturbances or cases of infectious disease. Note: To complete the person in charge space, fill in the name of the shift supervisor on duty at the time of the incident.

(g) Hennepin County Authority to Detain. shall be completed when prisoners are transferred from Brooklyn Park Detention Center to Hennepin County Adult Detention Center for continued detention. The arresting officer shall supply the information necessary for completion.

(h) Release/Receipt Envelope # shall be completed upon release of a prisoner. The type of release shall be designated as posted bail/fine; or NBR'd /RPR'd and given a court date. (See 400.4 / Adult Prisoner Release/Transfer).

(i) Gross Misdemeanor DWI/Gross Misdemeanor Tab Charging Cover Sheet. Completion of this form is necessary whenever a prisoner is booked for this charge. A case number must be on this form before it can be sent with the prisoner to court.

(j) Detoxification Form. This form is to be completed for all prisoners transferred from the Detention Center to a detoxification center.
(k) **Prisoner Medical Record** Entries shall be made in this record to document prisoner complaints of illness or injury and the actions taken. The record shall include

1. The limitations and disabilities of the prisoner.
2. Physician instructions for prisoner care.
3. Orders for medication, including the stop date.
4. Any special treatment or diet
5. Times and dates when the prisoner was seen by medical personnel.

(l) **Victim Information Form** the information shall be completed to protect the victim of the alleged assault and to comply with State Statute 629.72 Subd.2. This form shall be completed by the arresting officer. Notification to the victim must be made by staff if the person is released from the Brooklyn Park Detention Center.

(m) **36-Hour Expiration Advisory** shall be completed for all felony and gross misdemeanor prisoners that are transferred to Hennepin County Adult Detention Center and will not be released pending formal complaint.

(n) **Medical Screening Admission Form** each prisoner booked shall be asked the questions on this form. The detention officer shall note any visible medical concerns in the section provided for this purpose.

(o) **Visitor Application Form** Visitors shall complete this form when requesting to visit a prisoner during scheduled visiting hours

(p) **Work Request** - The work requests shall be maintained in the work request book at the front counter. The original work request (white copy) is given to the Administrative Assistant. A copy of the work request form shall be kept in the Detention office. Once the work order has been completed, the copy in the Detention office is dated and returned to the Administrative Assistant or emailed to O&M

(q) **First Report of Injury** Injuries and illnesses reportable under the Worker's Compensation Law of the State of Minnesota shall be submitted on this form. All staff shall complete this form any time staff comes in contact with a prisoner having a life threatening contagious disease

(r) **Custody Status Log** Complete this log for each person booked in the detention center. This log is kept on SharePoint.

(s) **Conditional Release Form** this form shall be completed before release of a prisoner arrested for Domestic Assault. It is not necessary when the prisoner is transferred to another facility. This form must be completed in order to comply with State Statute 629.72 Subd. 2

(t) **48-Hour Hold Forms** - Must be completed by the arresting officer for prisoners to be held longer than 48 hours from the time of arrest. This includes misdemeanor, gross misdemeanor, and felony levels of crimes. This does not apply to warrant only arrests. Refer to the current memo(s) regarding 48-hour rule for judicial review of probable cause posted in the detention office for exact procedures for processing and distribution.
900.13 STAFF TRAINING PLAN
The Detention Training Advisory Committee will consist of a Lieutenant, a Training Officer and Detention Supervisor. The Detention Training Advisory Committee is responsible for:

(a) Developing additional training components as needed.
(b) Researching necessary areas to plan new types of training
(c) Resolving training related problems.
(d) Renewing and evaluating the training budget.
(e) Reviewing training facilities and equipment.
(f) Identifying potential training resources.

Preparation of Training Plan - The Detention Supervisor will prepare and write the yearly training plan. The training plan is developed, evaluated and updated on an annual assessment that identifies current job related training needs. The yearly plan will be submitted to the training officer and the Inspector for approval.

Training Hours - Written policy, procedure and practice provide that all new detention officers receive 120 hours of pre-service training and an additional 40 hours of training each subsequent year of employment. All detention officers will receive 40 hours of in-service training each calendar year.

The Training Plan - The 120 Hours Pre-Service Training will consist of:

a. Orientation 16
b. Booking/Releases/Inmates 74
c. Photo Imaging 4
d. Videos/Cameras/Radios 2
e. Fingerprinting 4
f. Searches/Strip Searches 2
g. Computers 16
h. Suicide Prevention 2

The 40 Hours In-Service Training will consist of:

Defensive Tactics 4
Gen Order/Legal Issues 6
CPR/First Aid 8
Emergency Procedures 4
DETENTION FACILITY

Health (AIDS, Blood Borne Pathogens) 4
Sexual Harassment 2
Optional Training* 10

*Training to meet the needs of individual officers.

Field Training Officers - All detention officers will act as Detention Field Training Officers assigned to specific training areas within the 120 hour training curriculum. The detention field training officers will be responsible for submitting records of training to the Detention Supervisor.

900.14 JOB DESCRIPTION AND POST ORDERS
1. Post orders shall be given to all employees during the training orientation period. Post orders shall be kept in the work station to which the post orders pertain. Post orders shall include specific duties related to the work station that are the responsibility of the staff assigned to that work station.
2. All staff shall have a working knowledge of job descriptions and post orders related to their assigned position.

900.15 HOUSEKEEPING, SANITATION AND MAINTENANCE
1. The detention center shall be kept in good repair to protect the health, comfort, safety and wellbeing of prisoners and staff.
2. The shift supervisor shall perform a daily inspection of housekeeping, sanitation, and plant maintenance. The inspection shall be documented in the Daily Log and any irregularities noted.
3. Staff shall report unsanitary or unsafe conditions to the Detention Supervisor.
4. Plant Maintenance Work Request shall immediately be submitted for equipment repairs and/or replacement needs a Work Request. Work requests shall be labeled either routine or critical security so that requests may be prioritized. Routine work requests shall be those requests that may be addressed when maintenance staff can schedule availability. Critical security requests shall be those requests that must be addressed immediately in order to protect the health, comfort, safety and well being of prisoners and staff.
5. Conditions conducive to vermin shall be eliminated immediately and reported to the Detention Supervisor.
6. Housekeeping/Sanitation A contracted firm performs janitorial tasks to meet the needs of the detention center floor coverings, waste pickup, spot cleaning and cell cleaning. The following is a chart of scheduled services: Contract Work

All prisoners shall be issued only clean items necessary for comfort. Detention officers shall be responsible for retrieval of all items used by prisoners to provide comfort such as blankets and pillows. Detention officers shall place used blankets in the proper receptacle in the detention center so that blankets may be laundered by detention officers as detention duties permit.
DETENTION FACILITY

Detention officers shall dispose of paper clothing issued by the detention center and not necessary for the release of the prisoner. Detention officers shall clean surfaces soiled with body fluids by washing with soap and water solution. The Hennepin County Community Health Department "Guidelines for Cleaning up Blood Spills" is posted in the booking room. Detention officers shall disinfect a cell vacated by a prisoner prior to placing another prisoner in the cell. A pump sprayer containing a disinfecting agent is located in the laundry room for use by the detention officers.

900.16 USE OF FORCE IN DETENTION FACILITY
The detention center staff is authorized to use physical force as a part of their duties. Such force must be objectively reasonable. This force must be consistent with training, Minnesota State Statute and the United States Constitution.

(a) Intentional Taking of Life - The intentional taking of the life of another is not authorized for detention staff, except when necessary in resisting or preventing an offense which the actor reasonably believes exposes the actor or another to death or great bodily harm.

(b) Use of Restraint Equipment - Equipment of this type will be authorized when it becomes necessary to control violent or unruly prisoners or as a precautionary measure to prevent escapes, prevent injury to self, others or damage to property. Restraint equipment will include such items as:
   1. Handcuffs
   2. Leg irons
   3. Waist chains.
   4. Restraint chair

(c) Security Checks of Prisoners with Restraints - When person (s) are restrained with one or more of the above listed equipment, security rounds will be conducted and logged every 15 minutes. Whenever possible, the shift supervisor will be notified prior to the application of the "restraint chair" unless the situation is such that immediate action is needed. In that case, a shift supervisor will be notified as soon as possible. The shift supervisor will make the determination when the restraints are to be removed. The prisoner placed in the "restraint chair" will be consistently monitored and the restraints will be removed at the earliest possible time when conditions have changed to warrant the removal of the restraints. Prisoners whose behavior requires restraints after three hours have passed, must have their situation assessed by the shift supervisor to determine whether transfer to another facility would be appropriate. Documentation of this assessment shall be done by the shift supervisor on the Prisoner Worksheet.

900.17 TB POLICY
It is the policy of the Brooklyn Park Detention Center to have a written exposure control program for those employees who could be reasonably expected, as a result of their job responsibilities, to have contact with persons infected with tuberculosis, hereafter TB. This policy shall be reviewed annually and shall be updated as new information becomes available.
DETENTION FACILITY

(a) Definition and Symptoms - TB is an airborne disease caused by person-to-person spread of the mycobacterium tuberculosis, the causative agent of TB, through inhalation of respiratory secretions from an infectious TB case. It usually affects the lungs but can affect other body systems such as the brain, kidneys or spine. Some symptoms of active TB are:

1. Productive Cough
2. Bloody sputum
3. Night Sweats
4. Weight Loss (anorexia).
5. Fever

(b) Identification - Through the medical screening questionnaire, prisoners will be identified as possibly having TB or confirming they have active TB. If the prisoner states they have active TB, they are given a surgical mask to wear. If they cannot tolerate a mask, they will be asked to cover their mouth with a tissue, wash cloth or a towel.

(c) Confirmation - Prisoners who will be held in custody (charged in custody, etc) and state they have TB will be transported to NMMC - ER. If TB is confirmed, the prisoner will be transported to HCADC or released pending complaint.

(d) Detention Staff Protective Wear - If the prisoner states they have active TB, the detention officer will wear the NIOSH-certified N95 respirator.

(e) Training - All detention officers will receive training on the hazards and control of TB at the time of hire. Refresher training will occur annually.

(f) Mantoux Tests - The Mantoux test is the screening tool used to identify persons who have TB. A positive mantoux test does not mean a person has active TB but does indicate a past exposure to the tubercle bacilli. Detention officers are required to have the Mantoux skin test annually. New detention officers will have a mantoux skin test as part of their physical. If a detention officer is exposed to TB and wasn't wearing their protective respirator, a baseline skin test should be given as soon as possible.

(g) Cleaning and Disinfection - Transporting vehicle windows and doors should be left opened for several minutes so air may circulate freely.

1. Dispose of any suctioned material in a biohazard container
2. Wear gloves to clean up any spills (saliva, etc).

(h) Record Keeping - Any and all TB exposure incidents shall be documented on the following:

2. Use Universal Precautions Log/Imaging in Notes.
3. Special Incident Form.
4. Prisoner Medical Record
900.18 FOREIGN NATIONALS

(a) Whenever a foreign national is detained in the Brooklyn Park Detention Center, the detention officer discovering this information shall promptly inform the shift supervisor and give the following information.

- Prisoner’s full name
- Prisoner’s date of birth.
- Prisoner’s country of citizenship
- Charges.

(b) The detention officer will document on a prisoner worksheet the name of the shift supervisor notified.

(c) Upon notification, the detention officer shall consult the list of countries provided by the US Department of State to determine whether notification is mandatory.

(d) In cases of mandatory notification:

- The nearest consulate or embassy must be notified without delay and the prisoner shall be so informed
- Notification shall be documented on the Prisoner Worksheet.

(e) In cases of non-mandatory notification:

- The detention officer shall inform the inmate without delay of the right to have his/her government notified
- If the inmate wishes to exercise this right, the detention officer must notify the appropriate foreign consulate or embassy without delay.
- The detention officer shall call or FAX the diplomatic representative listed for the prisoner’s country of citizenship.
- The detention officer shall document the notification on the Prisoner Worksheet.
- The detention officer shall notify the prisoner that his/her foreign consulate has been notified.

(f) If notification is optional and is not requested by the prisoner, that fact must be documented on the Prisoner Worksheet.

(g) Consular officers shall be allowed visiting privileges with their nationals to arrange for the prisoner’s legal representation. The foreign consular officer should not take such actions on behalf of such a person if the person being held expressly opposes these actions.

(h) Any problems encountered during the above procedures shall be documented on the Prisoner Worksheet and a copy shall go to the Inspector in charge of detention.
Custody Searches

901.1 PURPOSE AND SCOPE
The purpose of this policy is to establish consistent Department procedures regarding frisks (pat-down searches), searches incident to arrest, booking and strip searches of arrested persons and arraignment detainees.

901.2 DEFINITIONS OF SEARCHES
Frisk (Pat-Down Search) - This is a limited type of search used by officers in the field when an officer has a reasonable suspicion that an individual may be in possession of a weapon or other potentially dangerous item. Unlike a full search, a frisk is generally limited to a patting down of the outer clothing or the area immediately accessible to the individual to check for the possible presence of a potential weapon or dangerous items that could pose a danger to the officer or others.

Booking Search - This search involves a thorough search of an arrested individual's clothing. All pockets, cuffs and folds on the clothing are checked to locate all personal property, contraband or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

901.3 FRISKS (PAT-DOWN SEARCHES)

(a) When any officer has reasonable suspicion to believe that a person suspected of criminal behavior or of violating conditions of parole or probation may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may search that individual.

(b) Prior to detaining any individual in any police vehicle, an officer should conduct a frisk of that individual.

(c) Whenever reasonably practicable, a frisk of an individual should be conducted by an officer of the same gender as the person being frisked. Absent the availability of a same gender officer, it is recommended that a witness officer be present during any frisk of an individual of opposite sex as the officer conducting the frisk. It is always best practice to conduct searches in view of a squad camera or BWC when practicable.
Custody Searches

**901.4 BOOKING SEARCHES**

(a) A person arrested shall have all dangerous and offensive weapons taken from them.

(b) A person arrested shall be searched incident to the arrest.

**901.5 STRIP SEARCHES**

(a) Except as otherwise authorized by law, no person arrested and held in custody shall be subjected to a strip search or visual/physical body cavity search prior to placement in the general jail population unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband that would be discovered by such a search.

(b) No strip search or visual body cavity search shall be conducted without prior authorization from a supervisor. The time, date and place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall be recorded in the arrest record or booking paperwork.

(c) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search.

(d) Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search or visual body cavity search shall be of the same gender as the person being searched.

(e) Whenever reasonably possible, a second officer of the same gender should also be present during the search, for security and as a witness to the finding of evidence.

(f) The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.

**901.5.1 PHYSICAL BODY CAVITY SEARCH**

(a) No person, absent exigent circumstances, shall be subjected to a physical body cavity search without a search warrant and approval of a supervisor.

(b) A copy of the search warrant and the results of any physical body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.

(c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse may conduct a physical body cavity search.

(d) Except for the above mentioned licensed medical personnel, persons present must be of the same gender as the person being searched. Privacy requirements, including the restricted touching of body parts, are the same as the strip search standard.
Chapter 10 - Personnel
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Brooklyn Park Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the Brooklyn Park Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national original, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT
The Police Department should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.
(b) Use of marketing strategies to target diverse applicant pools.
(c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

The Police Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS
The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department
should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
(b) Driving record
(c) Reference checks
(d) Citizenship eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents (Minn. R. 6700.0700, Subp. 1). This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
(e) Information obtained from public internet sites
(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
(g) Local, state, and federal criminal history record checks
(h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
(i) Medical and psychological examination (may only be given after a conditional offer of employment)
(j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE
Veterans who are candidates for job openings shall receive preference recognizing the training and experience, loyalty and sacrifice not otherwise readily assessed by examination pursuant to Minn. Stat. § 197.455. The following preference, credit and requirements shall be applied as applicable (Minn. Stat. § 197.455):

Nondisabled Veteran's Credit - There shall be added to the competitive open examination rating of a nondisabled veteran, who so elects, a credit of 10 points, provided that veteran obtained a passing rating on the examination without the addition of the credit points.

Disabled Veteran's Credit - There shall be added to the competitive open examination rating of a disabled veteran, who so elects, a credit of 15 points, provided that the veteran obtained a passing rating on the examination without the addition of the credit points. There shall be added to the competitive promotional examination rating of a disabled veteran, who so elects, a credit of five points provided that:

(a) The veteran obtained a passing rating on the examination without the addition of the credit points.
(b) The veteran is applying for a first promotion after securing public employment.

For the purpose of the preference to be used in securing appointment from a competitive open examination, "disabled veteran" means a person has a compensable service-connected disability.
as adjudicated by the U.S. Veterans Administration, or by the retirement board of one of the several branches of the armed forces, that is existing at the time preference is claimed.

For purposes of the preference to be used in securing appointment from a competitive promotional examination, "disabled veteran" means a person who, at the time of election to use a promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service-connected disability rated at 50 percent or more.

Preference for Spouses - A preference available pursuant to Minn. Stat. § 197.455 may be used by the surviving spouse of a deceased veteran and by the spouse of a disabled veteran who, because of the disability, is unable to qualify.

1000.5 BACKGROUND INVESTIGATION
Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Brooklyn Park Police Department.

The background investigation must determine whether the candidate meets the standards established by the Minnesota Board of Peace Officer Standards and Training (POST) as well as the security standards established to access state and national computerized record and communication systems (Minn. Stat. § 626.87; Minn. R. 6700.0700).

1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and Minnesota law (15 USC § 1681d; Minn. Stat. § 13C.02).

1000.5.2 STATE NOTICES
Upon initiation of a candidate’s background investigation, the department shall provide written notice to POST that includes the candidate’s full name and date of birth and the candidate’s peace officer license number, if applicable (Minn. Stat. § 626.87).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private or protected information, the Police Department should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Police Department at time may consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.
(b) Material and information to be considered are verified, accurate and validated.
Recruitment and Selection

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Police Department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use in making employment decisions. The report and all supporting documentation shall be included in the candidate’s background investigation file.

1000.5.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule (Minn. R. 6700.0700, Subp. 2).

1000.6 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS
All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.
Recruitment and Selection

1000.7.1 STANDARDS FOR OFFICERS
Candidates shall meet the minimum standards established by Minnesota POST (Minn. R. 6700.0700):

(a) Citizen of the United States (Minn. R. 6700.0700, Subp. 1)
(b) Possess a valid driver’s license
(c) Free of any felony conviction
(d) Not be required to register as a predatory offender under state law
(e) Free of conviction of any controlled substance law or of any misdemeanor conviction listed in Minn. R. 6700.0700
(f) Fingerprinted for purposes of disclosure of any felony convictions
(g) Submit to a medical examination and psychological evaluation to ensure that the candidate is free from any physical, emotional or mental condition which might adversely affect his/her performance of peace officer duties
(h) Successfully complete a physical strength and agility examination
(i) Successfully complete an oral examination

1000.7.2 NOTIFICATION TO POST
The Chief of Police shall notify the POST Board of any candidate appointed to the position of peace officer before the first day of employment on a form provided by POST. The appointee may not exercise peace officer powers until the notification form is received and approved by POST Board (Minn. R. 6700.0800).
Sworn Officer Assignments and Selections

1001.1 PURPOSE
To set out guidelines by which police officer assignments may be made. The Department reserves the right to make whatever assignments and assignment changes that best serve the Department needs as determined by the Chief of Police, at any time, and nothing in this general order will abridge that right.

1001.2 DEFINITIONS
(a) Assignment: The full time job position to which the officer is assigned for his or her regular workday.
(b) Extra Duty: A less than full time extra duty, responsibility, or task that is done in addition to all the regular job duties of the officer’s full time assignment.
(c) Standard Assignment: The standard or default assignment for all police officers is Patrol. All newly hired officers will receive their initial field training in the Patrol Division.
(d) Special Assignment: Any assignment other than the standard patrol assignment. A special assignment is not considered a promotion.
(e) Rotation Assignment: A special assignment of intentionally short duration. Rotation assignments are used to provide an opportunity for officers to try out or experience a particular assignment.
(f) Meets Expectations Performance: Job performance that results in a current performance evaluation in which all performance factors are rated as “meets expectations” or better. All assignments require the achievement of this standard after the training and orientation period is completed.
(g) Exceeds Expectations Performance: Job performance that results in a current performance evaluation in which the overall performance is rated as “exceeds expectations”.
(h) Ranking Member: A sworn Department member with a supervisory, management, or executive rank.

1001.3 MINIMUM REQUIREMENTS
(a) Requirement. Officers selected for special assignments or extra duties must meet the minimum requirements.
(b) Minimum Requirements. All special assignments and extra duties have the following minimum requirements. Additional minimum requirements may apply to some special assignments. The officer selected for any special assignment must have:
   (a) Successfully completed probation
   (b) Achieved meets expectations performance or better
(c) Ranking members coordinating a selection process should ensure that all candidates for the assignment have a current evaluation on file

(d) A demonstrated history of reliable and on-time attendance

(e) A demonstrated ability to work effectively and efficiently with little supervision

(c) **Additional Minimum Requirements.** Ranking members may establish additional minimum requirements. Such additional minimum requirements should be added to the assignment description. Ranking members should periodically check and update assignment descriptions within their division. Ranking members may use, but are not limited to, the following types of additional minimum requirements:

1. Number of years of police experience.
2. Experience in a related or prerequisite assignment
3. Successful completion of a training course or program related to the assignment or a willingness to attend additional training
4. Performance evaluations where the employee has exceeded expectations
5. Demonstrated skills related to the assignment

1001.4 SELECTIONS

(a) **Selections.** All selections are made at the discretion of the Chief of Police or designee.

(a) Ranking members with the authority to manage programs or divisions are given the authority to coordinate the selection of officers assigned to their programs or divisions

(b) Every selection will begin with a determination of the candidate’s eligibility

(b) **Selection Process.** There is no mandatory selection process. When a selection process is used, the following standards apply:

1. Any selection process should be reasonably designed to identify the best candidate(s) for the assignment.
2. Evaluation criteria should be reasonably related to the duties and responsibilities of the special assignment.
3. Past work history and performance evaluations will be reviewed as a part of the assessment.
4. If interviews are performed, the interview panel may be comprised of department members, or any other persons in a position to offer useful insight and perspective on the candidates. If outside personnel are used, persons with little or no regular contact or advance knowledge of the candidates are preferred.

1001.5 TRANSFERS

(a) **Transfers.** Officers remain in their current assignments until officially transferred to another assignment or their employment ends.
Sworn Officer Assignments and Selections

(b) **Transfer between assignments.** The coordinated transfer of an officer/detective between his/her current assignment and a new assignment will be approved and coordinated by ranking members of the effected divisions. With the approval of a Deputy Chief, a detective may be allowed to temporarily transfer to a new assignment, and return to the assignment of detective upon completion of the approved transfer.

(c) **Transfers to the Standard Assignment.** Officers may be transferred from a special assignment to the standard patrol assignment at anytime at the sole discretion of the Police Chief. Examples of when this can occur include:

1. The time limit for the special assignment has expired.
2. The officer requests a transfer, the initial time commitment has been met, and the Chief of Police determines that such transfer would not unduly disrupt the program or service provided by the special assignment.
3. The officer’s performance is below meets expectations performance after the initial training and orientation for any special assignment.
4. The transfer, as determined by the Chief of Police, benefits the police department’s ability to deliver service to the community.

1001.6 **LENGTH OF ASSIGNMENTS**

The following assignments are considered a Special Assignment and require a 2 year minimum commitment. The length of the assignments may be extended up to two additional years (or longer if necessary to meet the staffing needs of the Department) with approval from the Division Commander:

- Northwest Drug Task Force
- Hennepin County Violent Offenders Task Force
- Safe Streets
- Community Oriented Policing
- Community Response Unit
- Traffic Unit
- Training Officer
- Long Term Rotational Detective

The following assignments are considered Extra Duty assignments and the duration of the assignments are indefinite:

- Field Training Officer
- Tactical Response Unit (SWAT and CNT)
- Honor Guard
- Background Investigator
Sworn Officer Assignments and Selections

- Firearms Instructor
- Combative Tactics Lead Instructor
  - (CT Assistant Instructors serve a 2-yr minimum with the option of 2 additional years with Lead Instructor approval.

The following assignments are considered a Special Assignment and require a 2 year minimum commitment. The length of the assignments may be extended indefinitely:

- Long Term Detective
- DARE Officer
- School Resource Officer
- Community Engagement Officer
- Mental Health Detective

The Canine Officer position is considered a Special Assignment, and the duration is generally expected to be the working lifetime of the canine partner.

The Short Term Rotational Detective assignment is considered a Rotation Assignment and is generally one year in duration. Any officer in the Department is eligible for the one year Rotational Detective assignment, but first priority will be given to those with seniority but no investigative experience.
Civilian Staff Assignments and Selection

1002.1 PURPOSE
To set out guidelines by which civilian staff may transfer or be assigned between units, i.e. investigative clerical, coding, records, front counter and any other civilian units and future defined units. The Department reserves the right to make whatever assignment changes and or/ transfers that best serve the Department needs as determined by the Chief of Police, at any time, and nothing in this general order will abridge that right.

1002.2 DEFINITIONS
Assignment: The job position to which the employee is assigned for his or her regular workday.

Special Assignment: Any assignment other than the standard assignment with length of time consisting of one year or less. A special assignment is not considered a promotion. If the amount of time exceeds 40% or more of an employee's job duties in a higher classification for 6-12 months, they may be paid in the higher job classification. A payroll change form would be completed for the individual working out of classification to pay them at the level in which they are specially assigned. Working out of classification will not affect seniority or shift bid seniority.

Extra Duty: A less than full-time extra duty, responsibility, or task that is done in addition to all the regular job duties of the employee's full-time assignment.

Meets Expectations Performance: Job performance that results in a current performance evaluation in which all performance factors are rated as “meets expectations” or better. All unit transfers require the achievement of this standard after the training and orientation period is completed.

Exceeds Expectations Performance: Job performance that results in a current performance evaluation in which the overall performance is rated as “exceeds expectations”.

Ranking Member: A Department member with a supervisory, management, or executive rank.

1002.3 MINIMUM REQUIREMENTS
(a) Requirement. Employees selected for transfers, special assignments or extra duties must meet the minimum requirements.

(b) Minimum Requirements. Additional minimum requirements may apply to some special assignments or extra duties. The employee selected for any special assignment must have:

   (a) Achieved meets expectations performance or better
   (b) A demonstrated history of reliable and on-time attendance
   (c) A demonstrated ability to work effectively and efficiently with little supervision

   (c) AdditionalMinimumRequirements. Ranking members may establish additional minimum requirements. Such additional minimum requirements should be added to
the assignment description. Ranking members should periodically check and update assignment descriptions within their division. Ranking members may use, but are not limited to, the following types of additional minimum requirements:

(a) Number of years of experience.
(b) Experience in a related or prerequisite assignment
(c) Successful completion of a training course or program related to the assignment or a willingness to attend additional training
(d) Performance evaluations where the employee has exceeded expectations
(e) Demonstrated skills related to the assignment

1002.4 SELECTION(S)

1. Selections. All selections are made at the discretion of the Chief of Police or designee.
   (a) Ranking members with the authority to manage programs or divisions are given the authority to coordinate the selection of employees assigned to their programs or divisions
   (b) Every selection will begin with a determination of the candidate’s eligibility
   (c) Ranking members coordinating a selection process should ensure that all candidates for the assignment have a current evaluation on file if relevant, applies to staff employed past probation period

2. Selection Process. There will be a selection process for movement between units that would involve position moves for a year or more. When a selection process is used, the following standards apply:
   (a) The selection process will originate using the city of Brooklyn Park’s applicant tracking system NEOGOV. All internal applicants must apply through this system adhering to the determined deadline.
   (b) Any selection process should be reasonably designed to identify the best candidate(s) for the assignment.
      i. Evaluation criteria should be reasonably related to the duties and responsibilities of the transfer/assignment.
      ii. Past work history and performance evaluations will be reviewed as a part of any assessment.
      iii. If interviews are performed, the interview panel may be comprised of department members, or any other persons in a position to offer useful insight and perspective on the candidates. If outside personnel are used, persons with little or no regular contact or advance knowledge of the candidates are preferred.
1002.5 TRANSFERS

1. Transfers. Employees remain in their current assignments until officially transferred to another assignment or their employment ends.

2. Transfer between assignments. The coordinated transfer of an employee between his/her current assignment and a new assignment will be approved and coordinated by ranking members of the effected divisions.

   (a) Management's right. Management reserves the right to transfer staff depending upon the needs of the organization and is a temporary assignment until a process to replace can be completed.

   (b) Transfers to the Standard Assignment. Employees may be transferred from a special assignment to the standard assignment at any time at the sole discretion of the Police Chief. Examples of when this can occur include:

      i. The employee requests a transfer and the Chief of Police determines that such transfer would not unduly disrupt the program or service provided by the special assignment.

      ii. The employee’s performance is below meets expectations performance after the initial training and orientation for any special assignment.

      iii. The transfer as determined by the Chief of Police benefits the police department’s ability to deliver service to the community.
Evaluation of Employees

1003.1 PURPOSE AND SCOPE
The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1003.2 POLICY
The Brooklyn Park Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee’s position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1003.3 EVALUATION PROCESS
Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee’s immediate supervisor. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the immediate supervisor for their input.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing.

1003.4 FULL-TIME PROBATIONARY PERSONNEL
Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary licensed personnel are evaluated daily, weekly and monthly during the probationary period.
1003.5 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee’s immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee’s date of last promotion.

**Special** - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, work plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

1003.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a rating number in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Employee displays at all times, without exception, a consistently high level of skills, abilities, initiative and productivity. All assignments/responsibilities are completed well beyond the level of expectation. Initiative and self-direction are characteristic of this employee with the employee often taking on duties broader than the position requires. All competencies are significantly above expectations with accomplishments made in unexpected areas.

**Exceeds Expectations** - Employee displays a high level of skills, abilities, initiative and productivity, exceeding requirements in many but not all areas, or not consistently so. The employee has demonstrated ability to capably perform the more difficult or unusual aspects of the requirements within this category with few errors and minimal guidance.

**Meets Standards** - Employee consistently displays fully competent performance. Work output regularly achieves desired or required outcomes or expectations. Problems or errors are recognized and corrected quickly.

**Some Improvement Needed/Below Standards** - Performance falls short of requirements for the position in some areas and the need for further development and increased supervision is recognizable. Employee displays inconsistent performance in some areas and at times falls below acceptable levels. Errors are often not recognized. Tasks may be significantly late or incomplete at times, with serious or potentially serious consequences.

**Major improvement needed/significantly below standards** - Work output is consistently low and error rate is high. The employee regularly fails to meet required outcomes, often resulting in assignments needing rework/revision or requiring completion by others. The employee may require constant supervision and/or may show an indifference to job responsibilities. Significant improvement is needed.
Evaluation of Employees

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee’s strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1003.6 EVALUATION INTERVIEW
When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the Employee Comments section of the performance evaluation report.

1003.7 EVALUATION REVIEW
After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1003.8 EVALUATION DISTRIBUTION
The original performance evaluation shall be maintained in the employee’s personnel file. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.
IDENTIFICATION CARD PROVISIONS

1004.1 PURPOSE
Departmental Employee Identification Cards are distributed to all personnel in order to properly identify police personnel, insure uniformity and maintain control.

1004.2 EMPLOYEE IDENTIFICATION CARD PROVISIONS

(a) No employee I.D. card shall be carried other than the approved type.
(b) Whenever an employee I.D. Card is lost, stolen or des-troyed, a general incident report explaining in full details the loss or destruction shall be submitted, and a new card will then be issued.
(c) No officer shall retain a worn or mutilated employee I.D. Card
(d) New employee I.D. cards will be issued in the event of a title or permanent assignment change.
(e) Unless specifically directed otherwise by a supervisor all plain clothes personnel will display their I.D. cards on their outer clothing whenever en-gaged in any inter#departmental police action.
(f) Employee I.D. cards are the property of the City of Brooklyn Park. Loss through carelessness or negligence may subject the officer to disciplinary action.
(g) Officers are reminded that Department Rules and Regulations require any member or employee of the Police Department who refuses to give their badge number, name, or present an official identification card on the request of any citizen, shall be guilty of violating such rules and regulations.
(h) Sworn officers are required to carry their department issued I.D. card whenever they are off-duty, carrying a firearm, as well as on-duty in plain clothes.
Complaints and Disciplinary Procedures

1005.1 PURPOSE AND SCOPE
It is the policy of the Brooklyn Park Police Department to accept and investigate all complaints of alleged misconduct. Investigations may be initiated as a result of information provided to any member of the Department. It is the duty of all members of the Police Department to provide any and all information related to potential acts of misconduct to a sworn supervisor or member of the command staff. An investigation will be performed on all complaints alleging that misconduct has occurred. Any member of the Department may be subject to reprimand, suspension from duty, reduction in rank, up to and including dismissal from the department.

1005.1.1 DEFINITIONS

(a) Complaint – an allegation from any source of circumstances amounting to a specific act or omission, which if proven true would amount to employee misconduct, or an expression of dissatisfaction from an external source with a policy, procedure, practice, philosophy, service level or legal standards of the agency.

(b) Misconduct – is an act or omission by an employee, which if proven true would normally result in some form of discipline, sanction, or remediation. Examples include:
   1. Commission of a criminal act
   2. Neglect of duty
   3. Violation of an agency policy, procedure, rule or regulation, code of conduct, training standard
   4. Conduct which may tend to reflect unfavorably upon the employee and/or agency

(c) Complaint Investigator - Any member(s) of the Police Department designated by the Chief to investigate a complaint. This will be a supervisor.

(d) Administrative Review Panel - A panel of at least three command staff officers and the supervisor tasked with performing an administrative investigation. The purpose of the panel is to review the facts of an administrative investigation. After reviewing the facts, the command staff will determine and recommend a disposition to the Chief of Police.

(e) Employee hearing - A hearing held prior to the final disposition of all administrative investigations or upon an employee’s request. The purpose is to provide the opportunity for input from the affected department member and/or union representatives. Participants include members of the Administrative Review Panel and the affected employee and/or union representatives.

(f) Critical Incident - For purposes of this General Order, a critical incident is defined as any incident involving great bodily harm or death, any incident that represents the potential for civil or criminal liability to the officer(s) or the Department, and any incident which might inflict adverse or uncommon emotional or psychological stress upon the officer(s) involved. Examples of a critical incident would include but would not be limited to officer involved shootings, other incidents involving deadly force, vehicle
pursuits, and any other officer-involved actions resulting in great bodily harm or death, and events presenting the risk of significant civil liability.

(g) **IA-Pro** - A Police Department software program that tracks all complaints and investigations.

(h) **Blue Team** - A police department electronic form within IA-Pro that is completed and electronically forwarded within the chain of command to document a complaint.

(i) **Coaching or Counseling:** Counseling and/or Coaching is not disciplinary action, rather it affords supervisors the opportunity to reiterate job responsibilities, attempt to stop unacceptable conduct or lack of performance. A written summary may be retained by the supervisor within the Division file until the next employee evaluation.

(j) **Oral Reprimand:** An oral reprimand is verbal discipline by a supervisor to a member to correct a violation of a Department rule, regulation, or operating procedure. Signed copies of the reprimand will be provided to the member and their union. Documentation of this will be placed in a members personnel file.

(k) **Written Reprimand:** A written reprimand is formal discipline. Signed copies of the reprimand will be provided to the member and their union. The original will be placed in the members personnel file.

(l) **Suspension:** a type of discipline involving a temporary removal from work duty resulting in a loss of pay. When the subject of the suspension is a sworn officer, it includes suspension of police powers. Signed copies of the reprimand will be provided to the member and their union. Documentation of this will be placed in a members personnel file.

(m) **Termination:** Employer initiated separation from employment. Signed copies of the reprimand will be provided to the member and their union. Documentation of this will be placed in a members personnel file.

(n) **Administrative Investigation-Disposition Classifications:**

(a) **Unfounded** - When the investigation indicates that the alleged misconduct did not occur.

(b) **Exonerated** - When the investigation indicates that the complained about action occurred but was justified, lawful and proper.

(c) **Not Sustained** - When the investigation finds that there is insufficient evidence to prove or disprove the allegation.

(d) **Sustained** - When the investigation discloses that the alleged misconduct did in fact occur in the manner and degree stated.

(e) **Sustained with Qualifications** - When the investigation discloses that the action complained about did in fact occur, but not in the manner or to the degree stated.

**1005.2 COMPLAINTS AND PRELIMINARY INVESTIGATIONS**

(a) A complaint alleging misconduct by a member of the Police Department may be made by any person, at any time, to any member of the Police Department. Upon receipt
of a complaint, the information and/or complainant will be immediately referred to an on duty supervisor.

(b) Every reasonable effort should be made by members of the Police Department to acquire and preserve all relevant and available information.

(c) When possible, the supervisor will request that the complainant complete and sign a written complaint form. A written complaint form is not necessary to initiate a preliminary investigation. Supervisors may assist the complainant to help document the event. The Police Department may act as the complainant.

(d) The supervisors shall initiate a preliminary investigation to collect or preserve evidence, identify witnesses, and make a record of any preliminary statements or information.

(e) The supervisor will determine the severity of the complaint as soon as possible. If it is a significant allegation, of a criminal nature, or could be considered a critical incident, the supervisor shall immediately notify the Chief or member of the command staff.

(f) ALL resolved and unresolved complaints will be documented by the investigating supervisor using the Blue Team Complaint process.

(g) It is the duty of the Lieutenant in each division in which the complaint originated to ensure that the complaint is processed in a timely manner and reviewed by the chain of command within the division.

(h) Upon review of the information gathered in the preliminary investigation the division commander may request additional information or initiate an Administrative Investigation.

(i) The same process is applicable to complaints against supervisors. Upon receipt of a complaint against a supervisor, the complaint shall be referred to the commander of the division in which the supervisor is assigned.

(j) Accused personnel will be notified of the complaint as soon as practical, consistent with labor law and the labor agreement of the affected employee.

1005.2.1 DEFINITION(S) OF ALLEGATIONS
All allegations of misconduct that are received from internal or external sources will fall into one of the following categories:

**Conduct Unbecoming:** Any on-duty conduct which any member knows or reasonably should know is unbecoming a member of this department; is contrary to good order, efficiency or moral or tends to reflect unfavorably upon this department or its members.

**Courtesy/Disrespect:** Members shall be courteous and orderly in their dealings with the public. They shall perform their duties avoiding harsh, violent, profane or insolent language and remain professional regardless of provocation to do otherwise. Members shall not be discourteous, disrespectful or treat poorly any member of the public or any member of this department or the City.

**Discrimination/Harassment:** Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or
expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity.

**Evidence or Property Handling/Placement:** The proper recovery and handling of all evidence and property that is acquired by a member.

**Force: Excessive/Improper:** The allegation that the force used was outside the authority allowed by an officer or the force itself was excessive or unreasonable. This also includes the improper execution of use of force or a specific tactic.

**Laws: Conformance/Improper:** Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Minnesota Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

**Off-Duty: Employment/Association/Action:** Any off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department; is contrary to good order, efficiency or moral or tends to reflect unfavorably upon this department or its members.

**Unsatisfactory Job Performance:** The failure to satisfactorily meet the performance standards that specifically relate to the member's duties, responsibilities and expectations.

**Appearance Uniform/Cleanliness/Proper:** Wearing assigned uniform within regulations.

**Attendance Court/Training/Duty:** Reporting for duty at assigned time and location.

**Equipment Use/Handling/Operation/Care:** Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. A member’s intentional or negligent abuse or misuse of department property may lead to discipline.

**Fitness for Duty/Ability to Perform Job:** All members are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of member duties.

**Honesty/False Statement/False Swearing:** Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members. To include failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, other official document, report or form, or during the course of any work-related investigation.

**Insubordination/Failure to Obey:** Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

**Vehicle Use/Handling/operation/Care:** Proper use of City owned vehicles.

1005.3 **ADMINISTRATIVE INVESTIGATIONS-PROCEDURE**
Administrative Investigations of sworn officers will be conducted in compliance with Minnesota State Statute 626.89 - The Peace Officer Discipline Procedures Act.
(a) A member who is the subject of an Administrative Investigation will be given a copy of a complaint which contains a summary of the allegations.

(b) Official statements taken from department members will be done consistent with the Minnesota Peace Officer Discipline Procedures Act and Labor agreements.

(c) If the complaint alleges that the misconduct amounts to a criminal law violation, the accused personnel are to be afforded all of the legal rights that would be accorded a suspect in any criminal offense. The City/County Attorney's Office will be notified of all factual criminal violations by the Chief of Police or his designee. If there is evidence of criminal conduct, separate but concurrent criminal and administrative investigations may be performed.

(d) Upon completion of an Administrative Investigation, the administrative investigation report is to be forwarded to the Deputy Chief of the division in which the investigation originated.

(e) The Deputy Chief will schedule the Administrative Review Panel and will act as the chairperson of the panel. The purpose of the panel is to review the facts of the Administrative Investigation.

(f) Following the Administrative Review Panel, the Deputy Chief will schedule the employee hearing. The purpose of the hearing is to allow the department member to present his/her information and review the investigation. Union representation may also be present at the request of the department member. If the department member chooses not to have Union representation present, the union may request a separate hearing to present information relating to the content of their labor agreement. Both the employee and Union may elect not to participate in the Employee Hearing.

(g) Following the Administrative Review Panel and Employee Hearing, the Administrative Review Panel will reconvene to review the findings of the administrative investigation, and to determine an appropriate disposition. This may include discipline, policy review, training analysis, etc.

(h) The Deputy Chief acting as the chair of the Administrative Review Panel will prepare a written summary of the panel's findings to include a recommended disposition.

(i) The Chief of Police will review the findings and recommendations of the Administrative Review Panel and either approve or disapprove of the recommended disposition.

1005.4 EMPLOYEE HEARING
An opportunity for an employee hearing is part of all Administrative Investigations. In instances where discipline is issued without an Administrative Investigation, an employee hearing is still available to the employee who makes such a request to the division Inspector within ten days of receiving the discipline. The hearing will be conducted in front of the administrative panel and will allow the employee or union representative an opportunity to present their input.

The affected employee(s) and/or union representative will have an opportunity to review any investigation prior to the administrative panel hearing. Any investigation or other documents that contains other employee’s protected private data will be redacted pursuant to data practices laws.
Employee hearings will be electronically recorded.

### 1005.5 COMPLAINT AGAINST A SUPERVISOR

When a complaint is registered against a supervisor, the Chief of Police or designee will initiate a preliminary investigation. An Administrative Investigation may be performed consistent with the procedures outlined in Department Policy.

### 1005.6 PERSONAL INVOLVEMENT WITH INVESTIGATION OF COMPLAINT

Any member being investigated for an alleged act of misconduct is strictly prohibited from engaging in any personal investigation of the incident. This prohibition applies to on-duty and off-duty activities. Additionally, fellow employees are not allowed to perform investigations unless specifically authorized to do so by the Chief of Police. Under no circumstances shall the member contact any complainant or witness involved in the investigation.

### 1005.7 PROCEDURE FOR DISPOSITION OF INVESTIGATED COMPLAINTS

(a) All complainants shall be notified of the results of an investigation by the investigating supervisor.

(b) A permanent record of each Administrative Investigation will be kept in IA-Pro. Each investigation will be assigned an administrative investigation number.

(c) All complaints that did not turn into an Administrative Investigation will be retained within IA-Pro and retained in accordance with Data Practice Laws.

### 1005.8 SUPERVISOR AUTHORITY-EMERGENCY SUSPENSIONS

(a) All sworn supervisory officers have the authority to impose an emergency suspension with pay until the next business day when it appears that such action is in the best interest of the Department.

(b) Discretion will be exercised in the application of this authority. An emergency suspension will normally be used when the offending member has failed to respond to previous supervisory commands.

(c) A supervisor has the authority to immediately correct, admonish, or reprimand a subordinate whenever an emergency suspension is not immediately necessary.
Reporting of Employee Convictions and Court Orders

1006.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee’s ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions or a criminal investigations that they are involved in.

1006.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS
Minnesota and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Minn. Stat. § 518B.01).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1006.3 CRIMINAL CONVICTIONS
Any person convicted of a felony is prohibited from being a peace officer in the State of Minnesota. Any license of a peace officer convicted of a felony is automatically revoked (Minn. Stat. § 626.8431).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

Minn. Stat. § 624.713 prohibits ineligible persons from possessing a handgun or semi-automatic assault weapon.

1006.3.1 COURT ORDERS
All employees shall promptly notify the department if they are a party to, or have been served with, any court order from any jurisdiction.

1006.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) of any past or current criminal arrest, conviction or when the member is a subject of an ongoing criminal investigation regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired
Reporting of Employee Convictions and Court Orders

officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1006.5 CHEMICAL DEPENDENCY TREATMENT
If an officer is informally admitted to a treatment facility pursuant to Minn. Stat. § 253B.04 for chemical dependency he/she is not eligible to possess a pistol, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility (Minn. Stat. § 624.713 Subd. 1(6).

Officers in this situation shall promptly notify the department.
Drug- and Alcohol-Free Workplace

1007.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1007.2 POLICY
It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1007.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY
Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs.

1007.3 GENERAL GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Lieutenant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1007.3.1 USE OF MEDICATIONS
Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession or use of medical cannabis or being under the influence of cannabis on- or off-duty is prohibited and may lead to disciplinary action under this policy or the Standards of Conduct Policy for a violation of federal law through possession of marijuana or a derivative.

1007.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using
controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

1007.5 EMPLOYEE ASSISTANCE PROGRAM
There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1007.6 WORK RESTRICTIONS
If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1007.7 REQUESTING SCREENING TESTS
The Department may require drug or alcohol testing in the following circumstances (Minn. Stat. § 181.951; Minn. Stat. § 181.952):

(a) Reasonable suspicion - A supervisor may request or require an employee to undergo drug and alcohol testing if there is a reasonable suspicion of any of the following:

1. The employee is under the influence of drugs or alcohol.
2. The employee has violated department rules prohibiting the use, possession, sale or transfer of drugs or alcohol while he/she is working, is on department property or is operating a vehicle owned by the department.
3. The employee has sustained an injury arising out of and in the course of employment, or has caused another employee to sustain an injury (full definition of personal injury in Minn. Stat. § 176.011, Subd. 16).
4. The employee has caused a work-related accident causing injury with the use of his/her vehicle or firearm.

(b) Following a conditional job offer

(c) When determined by the department director/designee or the City Manager, engaged in an act or omission related to the performance of the job, whether on or off duty, that logically requires or justifies such testing, revealed as a clear and compelling necessity by the nature of the incident.

1007.7.1 DRUG- AND ALCOHOL-TESTING PROGRAM
The following applies to the department’s drug and alcohol testing procedures (Minn. Stat. § 181.951; Minn. Stat. § 181.952; Minn. Stat. § 181.953):

(a) An employee or applicant has the right to refuse a test but the consequences of a refusal may result in discipline, up to and including termination, or a decision not to hire the applicant.

1. Refusal to test includes failing to provide an adequate sample or delaying the test.

2. Refusal to test will be considered a positive test, resulting in disqualification from operating a City vehicle or performing safety sensitive functions, and discipline pursuant to this policy.

(b) Initial screening tests must be verified by a confirmatory test for the purpose of discipline.

(c) A confirmed positive test may result in discipline, up to and including termination.

(d) An employee or job applicant will have the opportunity to explain a positive test result and may request and pay for a second confirmatory retest.

(e) All disciplinary procedural safeguards in this manual apply, including the post-discipline appeal procedures (see the Personnel Complaints Policy).

(f) Employees and job applicants shall receive required written notice, including posting, of the drug- and alcohol-testing policies and procedures as set forth in Minn. Stat. § 181.952.

(g) The safeguards of Minn. Stat. § 181.953 will be followed for any testing and any related discipline process.

1007.8 RETURN TO DUTY
Before an employee will be allowed to return to duty, the employee must test negative on a Return-to-Duty Test, the employee must be evaluated by a Substance Abuse Professional (SAP) and participate in any prescribed educational, counseling or rehabilitation program. The SAP will
require a follow-up evaluation to determine successful completion of the program. The SAP will provide a written report to the City following the initial and follow-up evaluations with the employee. The Return-to-Duty Test is not limited to a specific substance (i.e., the drug for which the employee tested positive). If the SAP determines that a multiple-substance abuse problem exists, a controlled substance test may be performed in conjunction with an alcohol test.

Following a positive test determination and successful completion of a treatment program, the employee is subject to announced and unannounced follow-up testing as directed by the SAP for up to two years. A positive test in follow-up or subsequent testing will result in disciplinary action including dismissal.

1007.9 EMPLOYEE RIGHTS

Right to Provide Information After Receiving Test Results: The employee or applicant may submit information to the City or its MRO to explain the result within three (3) working days after notice of a positive controlled substance or alcohol test result on a confirmatory test. If the employee or applicant has tested positive for controlled substance use, the MRO may request the individual identify any over-the-counter or prescription medications the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, the positive result.

Right to Confirmatory Retest: In the case of urine controlled substance testing and blood alcohol testing, a job applicant or employee may request a confirmatory retest of the original sample at the job applicant’s or employee’s own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the job applicant or employee must notify the City or its MRO in writing of intent to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the City will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure control and custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest will use the same controlled substance and/or alcohol threshold detection levels used in the original test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the City’s job offer will be reinstated and the City will reimburse the job applicant for the cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the City will reimburse the employee for the cost of the confirmatory retest.

Right to Obtain Test Result Report: An employee or job applicant has the right to request and receive from the City, through HR, a copy of the test result report on any controlled substance
or alcohol test. Within three (3) working days after receipt of a test result report from the testing laboratory, the City will inform the

1007.10 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1007.11 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.
Leave Time

1008.1 PURPOSE AND SCOPE

Leaves from duty such as vacation, sick, maternity and bereavement are benefits provided to each person employed on a regular full-time basis and are administered consistent with existing Labor Agreements or City policy.

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825.100).

1008.2 EMPLOYEE RESPONSIBILITIES WITH SICK LEAVE

Sick leave may be taken for the following reasons:

- Personal illness, injury or disability
- Medical, dental or other care provider appointments during working hours
- A family health matter related to spouse, child, stepchild, grandchild, foster child, mother, father, stepmother, stepfather, grandparent, brother or sister
- Bereavement

Sick leave is not considered vacation and abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1008.2.1 NOTIFICATION

When unable to work employees are encouraged to notify an immediate supervisor, the Patrol Lieutenant or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Department as soon as reasonably possible and with no less than 30-days notice of the intent to take leave.
Leave Time

When requesting vacation employees shall request the time off from their supervisor. If the request for vacation time off cannot be approved, the reason for the denial will be returned to the employee. If an employee has had a leave granted and then decides not to use it, he/she must have approval from the shift supervisor or commander prior to returning to work on the date(s) which he/she was excused.

1008.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

1008.4 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.
Scheduled Shift Changes

1009.1 PURPOSE
To establish a procedure for the mutual trading of shifts between employees.

1009.2 PROCEDURE
1. Schedule changes which involve employees trading shifts will generally be permitted. Changes will be in a minimum of two hour increments.

2. The employee initiating the request must complete and sign a "Request To Change Assigned Shift" form and submit to supervisor.

3. The other employee agreeing to the change must also sign the form.

4. The supervisor approving the mutually agreed to shift changes will notify any other supervisor affected by it providing him/her with copy of the signed form, forwarding a copy to the division commander and making the necessary changes on the schedule board.

1009.3 EMPLOYEE RESPONSIBILITIES
   (a) Each employee agreeing to a schedule change assumes the responsibility to report to duty ready for work at the proper time. Failure to report for duty at the assigned time may result in disciplinary action.

   (b) If after agreeing to a scheduled shift change an employee is unable to fulfill that responsibility and must take a leave ie: sick time, that employee will be charged with the appropriate leave time.
Communicable Diseases

1010.1 PURPOSE AND SCOPE
This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

See attachment: Exposure Memo.pdf

1010.1.1 DEFINITIONS
Definitions related to this policy include:

- **Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the Brooklyn Park Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1010.2 POLICY
The Brooklyn Park Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1010.3 EXPOSURE CONTROL OFFICER
The City of Brooklyn Park Risk Manager will have plans and procedures that include:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member’s position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

   1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
3. Reporting cases and suspected cases of communicable diseases to the Department of Public Health (Minn. R. 4605.7070; Minn. Stat. § 144.4804).
4. Notifying appropriate medical facilities regarding member exposures and providing assistance locating source individuals, as applicable (Minn. Stat. § 144.7414).

The Risk Manager should also act as the liaison with the Minnesota Occupational Safety and Health Administration (MNOSHA) and may request voluntary compliance inspections.

1010.4 EXPOSURE PREVENTION AND MITIGATION

1010.4.1 GENERAL PRECAUTIONS
All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; Minn. R. 5206.0600):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
Communicable Diseases

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1010.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; Minn. R. 5206.0600).

1010.5 POST EXPOSURE

1010.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
(b) Obtain medical attention as appropriate.
(c) Notify a supervisor as soon as practicable.

1010.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; Minn. R. 5206.0600):

(a) Name of the member exposed
(b) Date and time of the incident
(c) Location of the incident
(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
(e) Work being done during exposure
(f) How the incident occurred or was caused
(g) PPE in use at the time of the incident
(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease, Personal Injury and Death Reporting Policy).

1010.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; Minn. R. 5206.0600):
Communicable Diseases

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1010.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; Minn. R. 5206.0600).

1010.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate.

Source testing may be achieved by:

(a) Obtaining consent from the individual. This is generally accomplished by medical personnel.

(b) Seeking testing through the procedures of Minn. Stat. § 144.7401 to Minn. Stat. § 144.7415 through a licensed hospital or other emergency medical care facility. (If you experience difficulty, request that the hospital staff consult with the Administration Manager.

(c) Search Warrant

The supervisor or administrator should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1010.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (Minn. Stat. § 144.7411).

1010.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; Minn. R. 5206.0700):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.
Seat Belts

1012.1 PURPOSE AND SCOPE
This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Minn. Stat. § 169.686).

1012.1.1 DEFINITIONS
Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Minn. Stat. § 169.685).

1012.2 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (Minn. Stat. § 169.686).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1012.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES
Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1012.4 INOPERABLE SEAT BELTS
Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.
Seat Belts

1012.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS
Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1012.6 POLICY
It is the policy of the Brooklyn Park Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1012.7 TRANSPORTING CHILDREN
All children younger than 8 years of age and shorter than 4 feet 9 inches tall shall be restrained in a child passenger safety seat system (Minn. Stat. § 169.685, Subd. 5(b)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1012.8 VEHICLE AIRBAGS
In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.
Body Armor

1013.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY
It is the policy of the Brooklyn Park Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1013.3 ISSUANCE OF BODY ARMOR
The training officer/academy supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Brooklyn Park Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The supervisor in charge of uniforms will facilitate vest sizing and fittings for any body armor issued to officers.

1013.3.1 USE OF SOFT BODY ARMOR
Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform as a patrol officer, contract overtime, other assigned duty or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(f) Officers will use an external load bearing vest carrier that is issued by the department when working in uniform unless authorized by the Chief of police or designee.
Body Armor

(g) All officers will maintain and have ready an internal vest carrier to be worn at any formal or ceremonial event.

1013.3.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

1013.4 RANGEMASTER RESPONSIBILITIES
The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

(d) Require all shooters at the range to wear body armor at all time while shooting.

1013.5 HARD BODY ARMOR (RIFLE PLATE CARRIER)
Officers working Patrol will equip their squad with a rifle plate carrier at the start of their shift. The plate carriers are stored in the staging room ready for use by patrol officers. Each rifle plate carrier is equipped with two extra M&P15 magazines and a tourniquet. At the start of each shift the vest shall be checked to ensure the magazine pouches are secured to the vest and each magazine contains 28 rounds. The officer will also ensure there is a tourniquet securely attached to the vest.

The rifle plate carriers are meant to be worn in conjunction with soft body armor and should not be worn as a stand-alone vest.

Patrol officers shall wear the rifle plate carriers, when feasible, during any active shooter type scenario. The rifle plate carriers may also be used during armed barricaded subject calls or any other time a supervisor authorizes its use. Nothing in this policy requires an officer to wear the rifle plate carrier if it would jeopardize the officers’ or another person’s safety.
Body Armor

The Rifle Plate Carriers should be kept in either the front passenger compartment of the squad car or in the trunk or rear cargo area. The rifle plate carriers should be treated with care and other items will not be stored on top of the carriers.

The rifle plate carriers used by uniform patrol officers will be black in color and be clearly marked with "POLICE" in white letters on the front and back.
Personnel Files

1014.1 PURPOSE AND SCOPE
This policy governs maintenance and access to personnel data. Personnel data includes any file maintained under an individual member’s name.

Without regard to where and how stored, all data about a current or former employee or applicant for employment shall be defined and classified as personnel data consistent with Minn. Stat. § 13.43. All data relating to a criminal investigation of a current or former employee or applicant shall be defined and classified as criminal data consistent with Minn. Stat. § 13.82.

1014.2 POLICY
It is the policy of this department to maintain personnel data and preserve the confidentiality of personnel data pursuant to the Constitution and the laws of Minnesota (Minn. Stat. § 13.43).

1014.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Personnel Files - Employee file and records that is maintained by the Police Department.

City Personnel Files - Administrative files and other employee files maintained by the City and not under the control of the Chief of Police.

Division File - Any file that is separately maintained internally by an employee’s supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - A file maintained separately that exclusively contains material relating to an employee’s medical history.

Training File - Any file which documents the training records of an employee.

1014.4 CONFIDENTIALITY OF PERSONNEL FILES
Private data contained in the above-defined personnel files shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law or with the employee’s written consent. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business (Minn. Stat. § 13.43).

1014.5 REQUESTS FOR DISCLOSURE
Only written requests for the disclosure of any data classified as other than public contained in any personnel record will be considered. Since the format of such requests may be strictly governed by
law with specific responses required, all such requests shall be promptly brought to the attention
of a command staff member charged with the maintenance of such records.

The responsible Department member shall ensure that an appropriate response to the request is
done in a timely manner, consistent with applicable law. In many cases this will require assistance
of approved and available legal counsel.

All requests for disclosure that result in access to an employee’s personnel data shall be logged
in the corresponding file and the affected employee shall be notified.

1014.5.1 RELEASE OF PRIVATE DATA
Except as provided by this policy, pursuant to lawful process, pursuant to state law or court
order, no private data shall be disclosed without the written consent of the employee or written
authorization of the Chief of Police designee (Minn. Stat. § 13.43; Minn. Stat. § 181.967, Subd. 4).

Any person who intentionally discloses private data may be guilty of a crime.

1014.6 EMPLOYEE ACCESS TO OWN FILE
Upon request, an employee may review all data of that employee other than data classified as
confidential.

The employee or his/her authorized representative may, except as otherwise prohibited by federal
or state law, review any data relating to the investigation, including any recordings, notes,
transcripts of interviews and documents, if the investigation causes the Department to impose
discipline and the employee has the right to access to defend in that proceeding.

Any employee seeking the removal of any data from his/her personnel file shall file a written
request to the Chief of Police through the chain of command. The Department shall thereafter
remove any such data if appropriate, or within 30 days provide the employee with a written
explanation why the contested data will not be removed. If the contested data is not removed, the
employee’s request and the organization’s written response shall be retained with the contested
data in the employee’s personnel file. If the contested data is ultimately removed, the written
responses shall also be removed (Minn. Stat. § 181.962, Subd. 1). An employee not satisfied with
this resolution may seek such other remedies as are authorized by the MGDPA.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing internal affairs investigations to the extent that it could jeopardize or
    compromise the investigation pending final disposition or notice to the employee of
    the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the
    employee.

1014.7 TYPES OF PERSONNEL FILES
The Department may maintain a personnel file on an employee for the Department’s use, but the
Department may not release any data contained in the Department file to any agency or person
Personnel Files

requesting data relating to an employee except as authorized or required by law. The Department shall refer to the Chief of Police or designee any person or agency that requests personnel data.

Personnel files can be located in any of the following places:

1014.7.1 PERSONNEL FILE
The Personnel file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained and a copy provided to the employee.

1. The employee may make a statement in writing, which shall be attached to the performance evaluation.

(b) Disciplinary action.

1. Disciplinary action resulting from sustained complaints shall be maintained in the individual employee's Department file consistent with the organization's records retention schedule.

2. Investigations of complaints that do not result in discipline shall not be placed in an employee's Department file but will be separately maintained for the appropriate retention period in the internal affairs file.

3. Data related to discipline that has been entirely overturned on appeal shall not be placed in an employee's Department file but will be separately maintained for the appropriate retention period in the internal affairs file.

(c) If a negative letter, memorandum, document or other notation of negative impact is included in an officer's personnel file, the Department shall notify the affected officer. The officer may file a written response to the negative letter, memorandum, document or other notation.

1. Any such employee response shall be attached to and retained with the original adverse comment.

2. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(d) Commendations shall be retained in the employee's Department file, with a copy provided to the involved employee(s).

(e) Personnel action reflecting assignments, promotions and other changes in the employee's employment status.
1014.7.2 DIVISION FILE
The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely performance evaluations.

1. All materials in this interim file shall be provided to the employee, if requested, at the time of the evaluation.

2. Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All data practices shall apply equally to the division file.

1014.7.3 INTERNAL AFFAIRS FILE
The Internal Affairs file shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Internal Affairs Unit. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.

(b) Internal investigations files shall be securely maintained for the minimum periods as identified in the Personnel Complaints Policy.

1014.7.4 TRAINING FILES
An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1014.7.5 MEDICAL FILE
A private medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including, but not limited to, the following:
Personnel Files

(a) Materials relating to medical leaves of absence.
(b) Documents relating to workers’ compensation claims or receipt of short- or long-term disability benefits.
(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
(d) Medical release forms, doctor’s slips and attendance records that reveal an employee’s medical condition.
(e) Any other documents or material that reveal the employee’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1014.7.6 EMPLOYEE ASSISTANCE PROGRAMS
Employee assistance records must be kept separate from personnel records and shall not become part of an employee’s personnel file (Minn. Stat. § 181.980, Subd. 3).

1014.8 PURGING OF FILES
Personnel data not involved in pending litigation or other ongoing legal proceedings may be purged after 5 years have passed from the employee’s separation of employment. (Minnesota adopted record retention schedule)(HRS 0330, MS13.43)

1014.9 BRADY MATERIAL IN PERSONNEL FILES
The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as Brady material, contained within personnel files.

1014.9.1 DEFINITIONS
Brady material - In Brady v. Maryland (373 U.S. 83 (1963)), the U.S. Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence that is favorable to the defendant.

The prosecution - Refers to any prosecuting attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

1014.9.2 RELEASE OF PERSONNEL FILES TO PROSECUTING ATTORNEY
Generally, the only time the prosecuting attorney is entitled to access not public personnel data without filing a court motion is when he/she is investigating the conduct of an employee or this department. The statute, Minn. Stat. § 13.43, Subd. 15, permits this department to disclose such not public data to law enforcement for the purpose of reporting a crime or alleged crime or assisting a law enforcement agency in the investigation of a crime allegedly committed by an employee. Such access shall not be considered a waiver of the privacy of the data contained in these files.

Absent authority to disclose the data under Minn. Stat. § 13.43, Subd. 15 or other statute, a specific investigation of this department or the consent of an involved employee, no not public personnel
data shall be released to the prosecuting attorney without court order or search warrant. The prosecution of a criminal defendant is not considered an investigation of any involved employee. Should an employee’s credibility or other issues related to an employee’s personnel file arise in the context of an employee acting as a witness for the prosecution, access to that employee’s personnel file by either the prosecuting attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in court and evidentiary rules.

1014.9.3 PROCEDURE

If ordered by the court or if there is reasonable cause to believe that evidence may exist that is favorable to the defendant, a person or persons designated by the Chief of Police will examine the subject employee’s personnel data to determine whether there are Brady materials contained therein (e.g., evidence that may be favorable to the defendant). If potential Brady material is located, the following procedure shall apply:

(a) In the event that a court motion has not already been filed by the criminal defendant or other party, the prosecuting attorney shall be notified of the potential presence of Brady material in the employee’s personnel file.

(b) In the case of not public data the prosecuting attorney should be encouraged to file a motion in order to initiate a review by the court. If the data is classified as public data a copy of it shall be provided to the prosecuting attorney.

(c) Prior to any review of the files by the court the subject employee shall be notified in writing that a court motion has been filed.

(d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court.

(e) If the court determines that there is relevant Brady material contained in the files, only that material ordered released will be copied and released to the parties filing the court motion.

1. Prior to the release of any not public data to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
Commendations and Awards

1015.1 PURPOSE AND SCOPE
This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Brooklyn Park Police Department and individuals from the community.

1015.2 POLICY
It is the policy of the Brooklyn Park Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1015.3 COMMENDATIONS
Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1015.4 AWARDS
Awards may be bestowed upon employees and members of the public. These awards include:

- Medal of Honor
- Award of Valor
- Award of Merit
- Life Saving Award
- Department Commendation
- Unit Citation
- Letter of Achievement
- Citizen Award/Outside Agency Award

Criteria for each award, the selection, presentation and display of any awards are determined awards committe and approved by the Chief of Police.

1015.4.1 AWARD DESCRIPTION
1. Medal of Honor - The “Medal of Honor” may be awarded to a member of the Department who distinguishes himself/herself in the line of duty by an exceptional act of bravery and by performing a selfless act of heroism which results in injury or death to that person. The “Medal of Honor” itself will be presented with a framed certificate and a uniform ribbon to the employee or close family members. Evidence of this award shall be placed in the member's personnel file.

2. Medal of Valor - The “Medal of Valor” may be awarded to a member of the Department who distinguishes himself/herself in the line of duty by an extraordinary act of bravery or heroism, at risk of their own personal safety, in the face of great danger, above and beyond the call of duty.
Commendations and Awards

The “Medal of Valor” itself will be presented with a framed certificate and a uniform ribbon. The uniform ribbon for the medal of valor is blue and white. Evidence of this award shall be placed in the member's personnel file.

3. **Medal of Merit** - The “Medal of Merit” may be awarded to a member of the Department who distinguishes himself/herself by performing an act of excellent or outstanding self-initiated police work; acts that are highly unusual and creditable; and for continuing, long-term dedication and devotion to the Department or Community (as a representative of the Department). The “Medal of Merit” itself will be presented with a framed certificate and a uniform ribbon. The uniform ribbon for the medal of merit is red and white. Evidence of this award shall be placed in the member's personnel file.

4. **Life Saving Award** - The “Life Saving Award” may be awarded to a member of the Department when an employee’s promptness and alert actions result in saving a life. The life saving medal itself is presented with a framed certificate and a solid dark green uniform ribbon. Evidence of this award shall be placed in the member's personnel file.

5. **Departmental Commendation** - A “Departmental Commendation” may be awarded to a member of the Department who distinguishes himself/herself for an act of achievement that is beyond the normal performance required of that member, and which reflects great credit upon the Department and the law enforcement profession as a whole. This award may also be given for contributions by a member to the community which are well above the norm and therefore reflect well upon the Department and the individual. The “Departmental Commendation” shall consist of a framed certificate and evidence of this award shall be placed in the member's personnel file.

6. **Unit Citation** - A “Unit Citation” may be awarded to members of the Department for exceptional performance of their duty above and beyond what would be expected and which reflects good credit upon the Department and the law enforcement profession as a whole. Evidence of this award shall be placed in the member's personnel file.

7. **Letters of Achievement** - A “Letter of Achievement” may be awarded to a member of the Department by his or her immediate supervisor for performance that is recognizable because of its professionalism, attention to detail, or special effort to accomplish it. The “Memorandum of Achievement” does not go through the approval process, and does not take the place of any other award/recognition that may be initiated. This award is a method of direct recognition by a supervisor to a member of the Department. Evidence of this award will be placed in the member's personnel file, and a copy shall be given to the appropriate Division Commander and the Chief of Police.

8. **Citizens Award/Outside Agency Award** - A “Citizens Award” may be recommended for any private citizen in recognition of actions or achievements that have directly benefited the Police Department, or any of its members, in a substantial or significant manner. Whenever possible, this award shall be presented to the citizen by the Chief of Police at a City Council meeting or other appropriate public setting as the Chief deems fit.
Commendations and Awards

1015.4.2 DEPARTMENT MEMBER DOCUMENTATION
Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:
   1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
   2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1015.4.3 COMMUNITY MEMBER DOCUMENTATION
Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:
   1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
   2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1015.5 AWARDS COMMITTEE
The committee chairperson(s) will be appointed by the Chief of Police and is responsible to appoint members of the Department to be on the “Awards Committee” and this committee will consist of the following members:

At least 1 Sworn Supervisor – Committee Chair(s)
At least 1 Investigative Division Sworn Employee
At least 2 Non-Sworn Personnel
At least 2 Patrol/Special Operations Division Sworn Employees

1015.5.1 COMMITTEE PROCEDURES
The Awards Committee will meet as needed, but not more than twice a month. Members will be compensated for their attendance in accordance with any applicable labor agreements or pertinent Departmental policies. It will be the duty of the committee to review each recommendation in
Commendations and Awards

great detail, and then decide what level of award/recognition (if any) is appropriate. Decisions of the committee will be made by a majority vote, with the chairperson casting the deciding vote in the case of a tie. In cases where a recommendation is denied, a memorandum stating the reason for such denial shall be sent to the original author of the award recommendation.
Fitness for Duty

1016.1 PURPOSE AND SCOPE
All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1016.2 EMPLOYEE RESPONSIBILITIES
(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
(b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.3 SUPERVISOR RESPONSIBILITIES
(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
(d) In conjunction with the Patrol Lieutenant or the employee’s available Division Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.
(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.
1016.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1016.5 WORK RELATED CONDITIONS
Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Patrol Lieutenant or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee’s conduct appears to be in compliance with policy and law.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee’s ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.
Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

(g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from the employee's personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

1016.6.1 REQUIRING A PSYCHOLOGICAL EXAMINATION
The Department may require an employee to be examined when:

A) There is reasonable cause to believe based upon specific observations and facts and rational inferences drawn from those observations and facts that an employee may be suffering from a psychological or emotional condition and;

B) There is reasonable cause to believe that the employee’s condition may prevent him/her from effectively performing their essential job duties or may pose a threat to the health and safety of the employee or others.

Such reasonable cause must be based upon observations, first-hand knowledge or reliable information provided to a supervisor or co-worker that an employee is currently exhibiting conduct that reasonably demonstrates that the aforementioned circumstances exist. Before making a referral, the Chief or his/her designee will verify the validity of the circumstances by meeting with the employee or conducting an investigation as to the factual basis of the alleged conduct.

1016.6.2 PSYCHOLOGICAL EXAMINATION PROCEDURES
No employee shall be referred for a psychological fitness for duty unless the Department has established reasonable cause as previously outlined. Once the determination has been made that an examination is warranted, the employee shall receive a written order, which will include the reason(s) for the examination.

If the employee disputes the accuracy or legitimacy of the reason(s) the Department used to conclude that a reasonable basis exists for a required psychological examination, the employee may file a grievance contesting the requirement that he/she submit to the examination. In such an event, the employee shall not be required to report for a psychological examination until the grievance is resolved under the grievance procedures of the Collective Bargaining Agreement.

In such circumstances, the employee may be placed on paid administrative leave of duty or reassigned to other duties pending the grievance resolution proceedings. No discipline or termination proceedings shall occur unless the employee refuses to submit to a psychological examination after the grievance proceedings have determined, or the Department and Bargaining Unit agree, as to the accuracy or legitimacy of the underlying factual basis of the referral.
list If the employee does not dispute the facts, or if the grievance proceedings determine reasonable cause, the employee shall report for the examination. Such examination shall be conducted by one of the professionals selected by the employee from a list established by mutual agreement between the Department and Bargaining Unit. The list shall consist of not fewer than three (3) licensed psychiatrists or psychologists (“Medical Professional”) who have expertise regarding psychological or emotional disorders and are qualified to make an assessment regarding an employee’s fitness to engage in law enforcement duties. If the employee fails to select a Medical Professional from the list and schedule an appointment within ten (10) days of the order of referral, the Department may select the Medical Professional from the panel.

The opinion of the Medical Professional shall be final and binding on the employee and Department.

See attachment: FFDE Agreement.pdf

1016.7 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

• 16 hours in one day (24 hour) period or
• 30 hours in any two day (48 hour) period or
• 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments on or off duty.
Lactation Break Policy

1018.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child.

1018.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act and Minnesota law, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child, pursuant to Minn. Stat. § 181.939 and 29 USC § 207.

1018.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee’s regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Licensed Employees assaigned to patrol who desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Minn. Stat. § 181.939).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee’s work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public. The location must have access to an electrical outlet (Minn. Stat. § 181.939; 29 USC § 207).

The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.
Lactation Break Policy

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1018.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.
Overtime Payment Requests

1019.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate nonexempt employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either the employee must complete and submit a Request for Overtime Payment as soon as practicable after overtime is worked.

1019.1.1 DEPARTMENT POLICY
Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment. The employee may not exceed the number of hours identified in the collective bargaining agreement.

1019.1.2 USE OF COMPENSATORY TIME
(a) The use of compensatory time as "time off" shall be consistent with the procedures used for vacation.
(b) Compensatory time off must be earned before it is used as time off.
(c) If an employee does not have enough compensatory time saved to cover the amount of time taken off, the employee's vacation time will be used to cover the shortage. If the employee does not have enough vacation time to cover a shortage, the employee will not be paid for the "short" hours and will also not accumulate sick and vacation time benefits for that pay period.
(d) All compensatory time off shall be taken by the end of the final pay period in a calendar year. All time not taken by this time will automatically be converted to a health savings plan consistent with current labor agreements.

1019.1.3 ACCUMULATION OF COMPENSATORY TIME
(a) Compensatory time will be earned in the same manner as overtime.
Overtime Payment Requests

(b) Methods of compensatory time accrual shall be consistent with those used for overtime.

(c) The amount of a "comp. time bank" as well as the method which compensatory time is calculated will be determined by labor agreements or similar agreements with the Employer.

1019.2 REQUEST FOR OVERTIME PAYMENT FORMS
Employees shall submit all overtime payment request forms for verification by their immediate supervisor and then forward them to Support Services with their bi-weekly timecard.

1019.2.1 EMPLOYEES' RESPONSIBILITY
Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Patrol Lieutenant. Employees submitting overtime forms for on-call pay when off-duty shall submit forms with their timecard.

1019.2.2 SUPERVISOR RESPONSIBILITIES
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.
Outside Employment

1020.1 PURPOSE AND SCOPE
To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1020.1.1 DEFINITIONS
Outside Employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1020.2 OBTAINING APPROVAL
No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an Outside Employment Waiver that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1020.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency and the outside employment may be related to the employee's performance. The Chief
Outside Employment

of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permit(s).

(b) If, at any time during the term of a valid outside employment permit, an employee’s conduct or outside employment conflicts with the provisions of Department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1020.3 PROHIBITED OUTSIDE EMPLOYMENT
The Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee’s use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee’s receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee’s duties as a member of this department.

(c) Involves the performance of an act in other than the employee’s capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee’s duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1020.4 DEPARTMENT RESOURCES
Unless otherwise given specific permission, employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee’s position with this department.

1020.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his/her outside employment, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.
1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE
Department members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to their supervisor.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.

1020.7 RESTRICTIONS
To ensure that members who are allowed to work outside employment are able to perform their primary duties at the Brooklyn Park Police Department, the following restrictions will apply:

(a) Officers cannot work more than 16 hours in any 24-hour period. This includes regular duty, overtime; contract overtime, and outside employment. Unless authorized by the Chief of Police or his designee.

(b) Officers must have a full 8 hours of rest prior to the beginning of any regularly scheduled work shift or department training.

(c) Any employee who is "on call" and required to readily be available to respond to duty, is not allowed to work outside employment (during that "on call" time period) unless authorized by the Chief of Police of his designee.

(d) Officers assigned to the any task force, light duty, or on administrative leave due to an administrative or criminal investigation, will not be eligible for outside employment, unless approved by the Chief of Police.

(e) Officers must have successfully completed probation before they become eligible for outside employment. Approval is dependent upon approval by Chief of Police or his designee based upon satisfactory performance.
1020.8 MANDATORY REPORTING
Officers are encouraged to report their anticipated work hours as far in advance as possible. These hours shall be reported directly to the designated administrative assistant and shall be done by email or voicemail if the job is law enforcement related or involves the use of law enforcement authority. There is no obligation to report anticipated hours for employment that is not law enforcement related or doesn’t involve the use of law enforcement authority.

Unless given specific approval from a division commander, it is the obligation of any officer to report anticipated work hours (by email or voicemail) prior to the start of the shift. This includes short-notice shifts that an officer may acquire. If the actual hours worked are different than the hours that were originally reported, it is the obligation of the officer to send an email correcting the actual hours worked as soon as practicable but no later than 48 hours after the hours were worked.
Contract Overtime

1021.1  PURPOSE
To establish guidelines for contract overtime. (Not to include TZD overtime)

1021.2  CONTRACT OVERTIME GUIDELINES
The department understands the demand by vendors for police officers to fill security needs. There will be times when the demands may be excessive or inappropriate for the department to handle. Because of this, all contract overtime will be approved by the Chief of Police or his designee before being assigned. In order to meet the demands of outside requests for off-duty officers on an overtime basis and to make sure the appropriate day-to-day services are met in the city, the following guidelines will be followed.

(a) Officers working a 12 hour shift will not work more than 4 continuous contract overtime hours unless authorized by the Chief of Police or his designee. Officers must have a full 8 hours of rest prior to the beginning of any regularly scheduled work shift or department training unless authorized by the Chief of Police or his designee.

(b) Officers working shifts other than 12 hours will adhere to this 16 hour limit unless authorized by the Chief of Police or his designee.

(c) Officers will not work more than 80 contract overtime hours in the 28 day FSLA period as designated on ISE.

(d) Any employee who is "on call" and required to readily be available to respond to duty, is not allowed to work contract overtime.

(e) Officers assigned to the drug task force, light duty, or on administrative leave due to an administrative or criminal investigation, will not be eligible for off-duty contract overtime, unless approved by the Chief of Police.

(f) Officers will use a fully equipped, marked patrol car, if available, for contract overtime unless authorized by the Chief of Police or his designee.

(g) Officers are required to wear the patrol uniform of the day, including a body camera when available. Any exceptions to this require a supervisor’s approval.

(h) Officers will log on with an MDC, and advise the appropriate worksite personnel upon arrival.

(i) The assigned squad should not be left running or parked in a prohibited spot such as a fire lane, handicap space, or sidewalk. It should be parked in the general parking area, as close to the front of the facility as possible, unless otherwise stated by the vendor.

(j) When more than one officer is assigned to the same contract overtime location, they will not stand or congregate in the same area, unless the assignment dictates it.

(k) When the officers’ shift is finished, they will advise the appropriate work site personnel and log off duty.

(l) All contract overtime worked will be paid at the current overtime rate per current labor agreement, not as compensatory time.
Contract Overtime

(m) Officers shall not take vacation to work contract overtime.
(n) Officers who have successfully completed probation may request approval to work contract overtime from the Chief of Police or his designee.

1021.3 PROCEDURES FOR CONTRACT OVERTIME SIGN-UP

(a) Contract overtime shall be administered by the designated police supervisor and paid through the city at the overtime rate established by current labor contracts.
(b) Only officers who have elected to work contract overtime in a designated year and SRO’s working a school contract overtime event will be eligible to work contract overtime unless otherwise noted.
(c) Officers who have elected to work contract overtime are subject to being assigned shifts that are vacant.
(d) A contract overtime roster will be created annually, with officers listed by seniority based on badge number, not rank.
(e) Contract overtime will be posted on the 1st of each month in the shift briefing room. Late requests will be posted in the shift briefing room and may be sent by email or Active 911.
(f) The police department may agree to offer Optional Contract Overtime. Venders will be advised that the police department cannot guarantee optional shifts will be filled. An officer who signs up for an optional shift is obligated to fill that shift.
(g) Only one shift will be available per officer for the first 5 days the overtime is posted. A second shift may be taken during the second 5 days. After that, any remaining shifts are at a first-come basis. If a numerous shifts are available or late shifts are posted, more than one shift may be taken upon approval of the contract overtime supervisor.
(h) A shift that remains vacant on the 15th will be assigned to the least senior officer listed on the contract overtime roster. Once an officer is assigned a shift, they will be placed at the top of the contract overtime roster. The roster will carry over from year-to-year.
(i) Officers already scheduled to work, who are working outside employment or who have scheduled leave time during the vacant shift are exempt from being assigned the shift.
(j) Undue hardship will be considered on a case-by-case basis.
(k) Officers will not be assigned to work a shift for a contract that was requested with less than seven (7) days notice and receipt of a signed contract overtime agreement form from the business.
(l) Officers that cannot fulfill their obligation must find an officer eligible to work contract overtime to fill the shift. Officers who are assigned a shift who cannot fulfill their obligation may find any officer within the department to fill the shift.
Personal Appearance Standards

1023.1 PURPOSE AND SCOPE
To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1023.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer health safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1023.2.1 HAIR
Hairstyles of all members shall be neat in appearance. For male licensed members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For uniformed female licensed members, hair must not extend below the top of the shoulders or must be worn up or in a tightly wrapped braid or ponytail.

1023.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1023.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.2.4 FACIAL HAIR
Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or designee.

1023.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1023.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed licensed members without permission of the Chief of Police or designee.
1023.3 TATTOOS
At no time while on-duty or representing the Department in any official capacity, shall any tattoo or body art be visible.

1023.4 BODY PIERCING OR ALTERATION
Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.
(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.
(c) Abnormal shaping of the ears, eyes, nose or teeth.
(d) Branding or scarification.
Uniform Regulations

1024.1 PURPOSE AND SCOPE
The uniform policy of the Brooklyn Park Police Department is established to ensure that uniformed officers, special assignment personnel and non-licensed employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Firearms
- Department Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The uniform and equipment specifications SOP manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The Brooklyn Park Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group’s collective bargaining agreement. The uniforms for officers of this department shall be a consistent color pursuant to Minn. Stat. § 626.88 Subd. 2.

For specific uniform regulations employees shall also review standard operating procedures #1020.

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the Department’s uniform specifications and procedures which are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
Uniform Regulations

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.

(h) If the uniform is worn while in transit while driving a personal vehicle an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform-unless specifically authorized by the Chief of Police or designee.

1. Wrist watch.
2. Wedding ring(s), class ring or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.

1024.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official Department identification card bearing the employee’s name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their supervisor.

1024.3 UNIFORM CLASSES

1024.3.1 CLASS A UNIFORM
The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all licensed personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie.
(b) Polished shoes or boots.
(c) Pants without cargo pockets

The Department issued formal round hat may be worn for events held outdoors. Boots with pointed toes are not permitted.
Uniform Regulations

1024.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
(b) A white or black crew neck t-shirt must be worn with the short sleeved uniform.
(c) All shirt buttons must remain buttoned except for the last button at the neck.
(d) A black/navy blue turtle neck or a white or black t-shirt must be worn under the long sleeve uniform shirt. No tie is allowed for patrol duty.
(e) Polished shoes or boots.
(f) Department issued cargo style uniform pants may be worn.
(g) Boots with pointed toes are not permitted.
(h) Department issued external load bearing vest carrier

1024.3.3 COLD WEATHER GEAR
Officers may wear the following gear when temperatures turn cold:

(a) Department issued jacket
(b) Department approved leather jacket
(c) Black or navy blue watch cap with no markings
(d) Black colored gloves that are approved by the Precinct Inspector

1024.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol and other specialized assignments.

1024.3.5 FOUL WEATHER GEAR
Officers shall wear only the department issued rain gear.

1024.4 INSIGNIA AND PATCHES

(a) Shoulder patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) Service stripes - Service stripes and other indicators for length of service will be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one inch above the cuff seam and centered with the department patch or sergeant chevrons. The stripes are to be worn on the left sleeve only. Each service stripe will represent the completion of 3 years of service to the Brooklyn Park Police Department in the employees current job class.
Uniform Regulations

(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police.

(f) Flag ribbon -- A flag pin may be worn, centered above the nameplate.

(g) Badge - The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Licensed non-uniform personnel will wear or carry their badge in a manner that it is in reasonable proximity to their firearm and able to be displayed whenever appropriate. Badges are issued by the Chief and are assigned by number. They are to remain the property of the Brooklyn Park Police department. No member shall order a badge without first receiving permission from the Chief through a written request.

(h) Rank insignia - The designated insignia indicating the employee’s rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

(i) Body Armor - Officers will be issued a ballistic vest. The vests will be replaced after 5 years of service. All officers and supervisors assigned to patrol duties shall wear the vest while on duty. Officers assigned to training and investigative duties are encouraged to wear a vest while on duty.

1024.4.1 MOURNING BADGE
Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this state - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or designee.
1024.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

General Investigations shall be considered a plain clothes assignment. Detectives assigned to General Investigations shall wear dress pants and a dress shirt. Detectives are encouraged to dress smartly and in good style unless authorized or directed by a supervisor to dress differently for a specific assignment (search warrants, assist to Safe Streets, etc.).

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male administrative and support personnel who are approved to to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative and support personnel who are approved to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone.
2. Open-toed sandals or thongs.
3. Swimsuit, tube tops or halter tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons or pins.
6. Denim pants of any color.
7. Shorts.
8. Sweat shirts, sweat pants or similar exercise clothing.

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to wearing such clothing. (executing a search warrant etc.)

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Brooklyn Park Police Department or the morale of the employees.

(g) Licensed employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area unless they clearly display their police badge so as to identify themselves as a police officer.
Uniform Regulations

1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Brooklyn Park Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a badge, patch or other official insignia of the Department, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Brooklyn Park Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.
(b) Endorse, support, oppose or contradict any social issue, cause or religion.
(c) Endorse, support or oppose, any product, service, company or other commercial entity.
(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1024.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional (not issued) shall be purchased at the expense of the employee.
(b) Maintenance of optional (not issued) items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
(c) Replacement of items listed in this order as optional (not issued) shall be done as follows:
   1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
   2. When the item is no longer functional because of damage in the course of the employee’s duties, it may be replaced following the procedures for the replacement of damaged personal property in the Department-Owned and Personal Property Policy.

1024.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Brooklyn Park Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Brooklyn Park Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.
Uniform Regulations

1024.9 UNIFORMS-PROPERTY OF THE BROOKLYN PARK POLICE DEPARTMENT

(a) Uniform components issued to members remain the property of the Brooklyn Park Police Department.

(b) Uniform components may not be worn other than while on duty, at Department training, or in conjunction with traveling to and from the workplace unless specifically authorized by the Chief of police.

(c) Members leaving the employment of this Department shall account for, and turn in all uniform components issued to them or in their possession prior to receiving their final pay check.

(d) The Support Services Manager shall maintain uniform records for all clerical personnel issued uniform components.
Police Cadets

1025.1 PURPOSE AND SCOPE

The objective of the Police Cadet Program is to successfully prepare qualified candidates for future police officer positions. The Department will assist the cadet by providing a school scholarship for the required educational program and by a part time, uniformed, paraprofessional position to orient the cadet to the Department's mission, policies, procedures, equipment, and methods of providing law enforcement services.

Cadets will share their exceptional diversity skills to assist the Department with communicating, resolving conflicts, and better serving a diverse group in the community. Cadets will also perform an assortment of paraprofessional tasks similar to Community Service Officers, Detention Officers, and other uniformed, non-sworn positions, along with job shadowing, patrol ride-alongs, police training, and other police career preparation activity. Cadets do not have police powers until promoted to a police officer position.

1025.2 MINIMUM QUALIFICATIONS

Candidates for the position of Cadet Officer must meet the following minimum qualifications:

1. Must be at least 18 years of age.

2. Must be a United States (US) citizen or a lawfully residing in the US with ICE approval to work in the US and capable of becoming a US citizen by appointment to a peace officer position.

3. Must possess and maintain a valid driver's license with valid Minnesota driving privileges.

4. Must be physically, medically, emotionally, and psychologically fit for full duty as determined by the City's occupational physician and police psychologist. Cadets must be able to safely perform all the tasks and responsibilities of the position and be fit and suitable for promotion to police officer.

5. No bars to licensure as a Minnesota peace officer. See the Peace Officers Standards and Training (POST) Board for details (www.dps.state.mn.us/newpost/posthome.asp or 651-643-3060).

1025.3 DESIRED QUALIFICATIONS

Cadet Officers should have the ability to provide the best possible police service to our very diverse community as demonstrated through the following:

1. An advanced level of understanding and knowledge regarding the cultural challenges that face Brooklyn Park's "new Americans" (immigrants, refugees, and displaced persons).
Police Cadets

2. Fluency in languages most frequently represented in the Department’s use of translator services, such as Spanish, Vietnamese, or Russian. Official translator certification is especially desired.

3. Significant connections to a diverse group in Brooklyn Park or the group’s service providers that would be helpful to the Police Department in communicating, resolving conflicts, or building bridges with the group.

4. An advanced level of knowledge and understanding about a diverse group that resides or spends time in Brooklyn Park.

5. An existing commitment to pursue a career in law enforcement or policing, evidenced by educational preparation, paraprofessional jobs or volunteer positions in law enforcement agencies, prior employment as a peace officer or criminal justice professional in another country, or other previous police career preparation.

1025.4 EDUCATIONAL REQUIREMENTS
Cadets must immediately start full time college attendance upon hire and maintain a 2.00 GPA ("C" average) or better. Cadets will obtain the pre-service education on their own time and must register for courses in a timely manner.

A scholarship may be provided by the department for the cadet to complete the Professional Peace Officers Education (PPOE) program to become eligible for a licensed officer position. If the department provides a scholarship, it will be subject to the conditions set forth in the Cadet Contract as agreed upon by the Department and the Cadet.

Failure to complete the required PPOE program in a timely manner to become eligible for peace officer licensure may be grounds for termination.

1025.4.1 ESSENTIAL DUTIES AND RESPONSIBILITIES
The essential duties and responsibilities of Cadet Officers will be, but not limited to:

1. Actively pursue and successfully complete the required educational program and necessary testing required to be licensed as a Minnesota peace officer.

2. Not engage in any conduct that would bar the Cadet from becoming licensed as a Minnesota peace officer or cause the Cadet to be disqualified under our background investigation standards.

3. Enforce applicable ordinances and statutes pertaining to animals, animal control, parking, and selected health and nuisance ordinances.

4. Perform detention duties, including booking, searching, controlling, and releasing prisoners.

5. Provide traffic control or perimeter security as assigned.

6. Safely operate assigned Police Department vehicles and assist in the servicing and maintenance of the department automotive fleet and selected equipment.

7. Assist in the recovery and inventorying of lost, abandoned and/or confiscated property.
8. Participate in learning activities.

9. Positively enhance understanding between diverse groups of people.

10. Participate in community festivals, events and outreach activities.

11. Prepare and submit accurate and thorough reports and other paperwork required by various job activities, and other duties as assigned.

1025.5 CADET CONTRACT
The Cadet Officer position is limited in term and covered by a special, signed agreement (Cadet Contract). Police Cadets are individuals the Police Department has conditionally committed to employ as peace officers as soon as they become qualified for such a position and the Department has an opening. If the Cadet becomes unsuitable for promotion to Police Officer, the Cadet will not be retained.

1025.6 CADET UNIFORMS
Cadet Officers will be provided uniforms meeting the specifications described in the Uniform SOP for civilian employees. Cadets must return all city issued equipment, uniforms, badges, nametags, I.D. cards and other identification items upon leaving employment with the City.

1025.7 SHIFT ASSIGNMENTS
Cadet Officers must be willing to work flexible or set schedules; shifts of up to 12 hours or longer; and nights, holidays, weekdays, and weekends. Cadets will be scheduled to work 20 to 30 hours per week.

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet and explorer. Needs and concerns will take precedence over individual cadet or explorer considerations, with the final decision resting with the cadet or explorer supervisor.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, including training newly hired cadets and Reserves or other cadets and explorers for new assignments.

1025.8 LEARNING OPPORTUNITIES
The Police Department will provide the Cadet Officer with mentoring, guidance, and training opportunities to better prepare the cadet for the position of Peace Officer. These activities will be conducted by Field Training Officers selected by the department and documented in the Cadet Manual.

1025.9 PEACE OFFICER PROMOTION ELIGIBILITY
Cadet Officers in good standing may be eligible for promotion to police officer if all POST mandated requirements are met as well as any other eligibility conditions specified in the Cadet Contract.
1025.10 RECRUITMENT
Recruitment for the Cadet Officer position will be ongoing and department staff will make efforts to promote the position through the use of the internet, community groups/forums, college career fairs, high schools, youth groups, neighborhood outreach events, Explorer Scouts, and Police Reserves.

Recruitment and hiring for the Cadet Officer position will be conducted in a fair and impartial manner as outlined in Hiring & Recruitment Policy #1000.
Nepotism and Conflicting Relationships

1026.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1026.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1026.2 RESTRICTED DUTIES AND ASSIGNMENTS
The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following restrictions apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

   (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

   (c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

   (d) To avoid actual or perceived conflicts of interest members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

   (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender or who engages in intentional violations of state or federal laws.

1026.2.1 EMPLOYEE RESPONSIBILITY
Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor.

1026.2.2 SUPERVISOR'S RESPONSIBILITY
Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps
Nepotism and Conflicting Relationships

to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.
Department Badges

1027.1 PURPOSE AND SCOPE
The Brooklyn Park Police Department badge and uniform patch as well as the likeness of these items and the name of the Brooklyn Park Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1027.2 POLICY
The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1027.2.1 FLAT BADGE
Licensed officers, with the written approval of the Chief of Police, may purchase at their own expense a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

(a) Should the flat badge become lost, damaged or otherwise removed from the officer’s control he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(b) An honorably retired officer may keep his/her flat badge upon retirement.

(c) The purchase, carrying or display of a flat badge is not authorized for non-licensed personnel.

1027.2.2 CIVILIAN PERSONNEL
Badges and Department identification cards issued to non-licensed personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Cadet, Detention).

(a) Non-licensed personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Non-licensed personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed officer.

1027.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.
Department Badges

1027.3 UNAUTHORIZED USE
Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all licensed employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1027.4 PERMITTED USE BY EMPLOYEE GROUPS
The likeness of the Department badge shall not be used without the express authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided it is used in a clear representation of the association and not the Brooklyn Park Police Department.

(b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police.
Modified-Duty Assignments (Light Duty)

1028.1 PURPOSE AND SCOPE
The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and due to restrictions or limitations are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1028.2 DEFINITIONS
Modified duty - A temporary limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified-duty also may be termed as light-duty assignments.

Eligible Employees: Any member of this Department suffering from a medically certified illness, injury, pregnancy, or disability requiring treatment of a licensed healthcare provider and who because of the injury, illness, pregnancy or disability, is temporarily restricted from performing their regular duties by the healthcare provider.

Temporary Light Duty Assignments: Assignments may be drawn from a range of technical and administrative areas based upon availability and need. These include, but are not limited to:

- Administrative-special projects and/or research
- Desk Duty-walk in and telephone reports
- Clerical-filing and/or data entry
- Investigative-follow up contacts and/or reports

1028.3 LIMITATIONS
Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous reassessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is not duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.
**Modified-Duty Assignments (Light Duty)**

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

1028.4 PROCEDURE

Employees may request assignment to modified-duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division Commander or designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified-duty assignments may be available based on the needs of the Department, the limitations of the employee and the suitability of the employee to work a particular assignment.

1028.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1028.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.
1028.4.3 MEDICAL EXAMINATIONS
The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1028.4.4 DESIGNATED PLACE OF DUTY
The recovery and return of a temporary light duty status employee to full duty is paramount to the Department and affected employee. Officers on temporary light duty are not expected to engage inactivities that may reasonably expose them to the need to perform law enforcement functions for which they have been deemed physically unable to perform on behalf of this agency and that form the basis for their temporary light duty assignment. To reduce the potential risk of an affected employee being exposed to a situation that would require the performance of essential law enforcement functions, it is required that:

(a) Officers assigned to temporary light duty will work out of a police facility.
(b) Officers will not work within the detention facility.
(c) Unless authorized by the Chief of Police or his/her designee, officers will not drive/ride department owned vehicles
(d) Departmental approved off duty employment is prohibited
(e) Meal breaks are to be taken within the police facility unless the officer has scheduled an unpaid, off duty break period into their temporary light duty assignment schedule

1028.5 PREGNANCY
Pregnancy shall be treated as any other medical condition for purposes of this policy. Modifications of duty assignments based upon pregnancy shall be based upon the process and criteria established within this policy.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City’s Personnel Rules and Regulations regarding family and medical care leave.

1028.6 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee’s assignment to modified duty.

1028.7 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned
to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.
Employee Speech, Expression and Social Networking

1029.1 PURPOSE AND SCOPE
This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1029.1.1 APPLICABILITY
This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1029.2 POLICY
Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Brooklyn Park Police Department will carefully balance the individual employee’s rights against the organization’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1029.3 SAFETY
Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Brooklyn Park Police Department employees such as posting personal information in a public forum can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee’s family or associates or persons that this agency has had professional contact with such as crime victims or staff of
Employee Speech, Expression and Social Networking

other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an employee.
- Disclosing the address, telephone number or email address of an employee.
- Otherwise disclosing where another employee can be located off-duty.

1029.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the organization’s safety, performance and public-trust needs the following are prohibited unless the speech is otherwise protected (for example an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Brooklyn Park Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Brooklyn Park Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Brooklyn Park Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Brooklyn Park Police Department.

(f) Use or disclosure, through whatever means, of any not public data, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain or data classified as not public by state or federal law or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
Employee Speech, Expression and Social Networking

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Brooklyn Park Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).

2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1029.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS
While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Brooklyn Park Police Department or identify themselves in any way that could be reasonably perceived as representing the Brooklyn Park Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support, or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group) is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Brooklyn Park Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However employees may not use their official authority or influence to interfere with or affect
the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1029.5 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1029.6 CONSIDERATIONS
In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.
POST Licensing

1030.1 PURPOSE AND SCOPE
Maintaining a valid POST license is a critical element of an officer’s ability to continue their employment and is their sole professional responsibility. Every officer is required to complete the continuing education requirements to maintain a valid license every three years (Minn. R. § 6700.0900; Minn. R. 6700.1000).

1030.2 RENEWAL SCHEDULE
Any officer whose license expires is not authorized to work as a peace officer until the license status is valid. Officers renew their POST licenses according to a schedule established by Administrative Rule (Minn. R. 6700.1000).

1030.2.1 LICENSE RENEWAL CREDITS
A peace officer license may be renewed only upon the licensee or the licensee’s appointing authority providing the POST board proof the licensee has successfully completed board-approved continuing education and posting of fees on or before June 30 of the year a license is due for renewal. Licensee required hours of continuing credit are (Minn. R. 6700.1000, Subd. 3):

- 16 hours for a peace officer or a part-time peace officer who has been licensed for at least six months but less than 18 months.
- 32 hours for a peace officer or a part-time peace officer who has been licensed for at least 18 months but less than 30 months.
- 48 hours for a peace officer or a part-time peace officer who has been licensed for at least 30 months.

1030.3 LICENSE PROCESS
A general schedule for the license renewal process is:

- February - The Department or officer will receive employment verification.
- March - The Department or officers are sent a license renewal application.
- June - A final notice will be sent from POST for those who have not renewed.
- June 30 - The deadline date for license renewal after which officers whose license expires will no longer be authorized to practice law enforcement or carry a firearm.

1030.4 INACTIVE LICENSE
Officers who fail to complete the requirements will have their license placed in the “Inactive” status. The employee may then be placed in a temporary administrative assignment until their license is “Valid”. Those employees may also face administrative discipline up to and including termination.
Anti-Retaliation

1032.1 PURPOSE AND SCOPE
This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members’ access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1032.2 POLICY
The Brooklyn Park Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1032.3 RETALIATION PROHIBITED
No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.
Anti-Retaliation

1032.4 COMPLAINTS OF RETALIATION
Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1032.5 SUPERVISOR RESPONSIBILITIES
Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule change made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.
1032.6 COMMAND STAFF RESPONSIBILITIES
The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1032.7 WHISTLE-BLOWING
The Minnesota Whistleblower Act protects a member who, in good faith (Minn. Stat. § 181.932):

(a) Communicates a violation of any law or rule to the department or to any government body or law enforcement official.

(b) Participates in an investigation, hearing or inquiry at the request of a public body or office.

(c) Refuses an order to perform an act that the member objectively believes violates a law, rule or regulation, and informs the employer of the reason.

(d) Reports a situation where the quality of health care services provided by a health care facility or provider violates a state or federal standard and potentially places the public at risk of harm.

(e) Communicates the findings of a technical or scientific study that the member believes, in good faith, to be truthful and accurate.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

1032.8 RECORDS RETENTION AND RELEASE
The Support Services Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1032.9 TRAINING
The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.
Line-of-Duty Deaths

1033.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of the Brooklyn Park Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member’s survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1033.1.1 DEFINITIONS
Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual’s relationship with the member and whether the individual was previously designated by the deceased member.

1033.2 POLICY
It is the policy of the Brooklyn Park Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1033.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member’s supervisor should provide all reasonably available information to the Patrol Lieutenant and Dispatch.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Patrol Lieutenant or on duty supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Patrol Lieutenant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
Line-of-Duty Deaths

(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1033.4 NOTIFYING SURVIVORS
Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member’s emergency contact information and make accommodations to respect the member’s wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member’s wishes.

The Chief of Police, the Patrol Lieutenant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child’s age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor’s workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.
(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor’s names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Brooklyn Park Police Department members may be apprised that survivor notifications are complete.

1033.4.1 OUT-OF-AREA NOTIFICATIONS
The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1033.5 NOTIFYING DEPARTMENT MEMBERS
Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.
1033.6 LIAISONS AND COORDINATORS
The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.
(b) Hospital Liaison.
(c) Survivor Support Liaison.
(d) Critical Incident Stress Management (CISM) coordinator.
(e) Funeral Liaison.
(f) Mutual aid coordinator.
(g) Benefits Liaison.
(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1033.6.1 DEPARTMENT LIAISON
The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member’s survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison’s responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors’ needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
(e) Coordinating all official law enforcement notifications and arrangements.
(f) Making necessary contacts for authorization to display flags at half-mast.
(g) Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
(h) Coordinating security checks of the member’s residence as necessary and reasonable.
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(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1033.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:
   1. The survivors and others whose presence is requested by the survivors.
   2. Department members and friends of the deceased member.
   3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member’s survivors or Brooklyn Park Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.
   1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
   2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member’s residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member’s equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1033.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member’s Division Commander. The following should be considered when selecting the Survivor Support Liaison:
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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member’s supervisor and/or coworkers. The deceased member’s partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
(e) Returning the deceased member’s personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
   1. Items should not be delivered to the survivors until they are ready to receive the items.
   2. Items not retained as evidence should be delivered in a clean, unmarked box.
   3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
   4. The return of some personal effects may be delayed due to ongoing investigations.
(f) Assisting with the return of department-issued equipment that may be at the deceased member’s residence.
   1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors’ wishes.
(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
(h) Coordinating with the department’s Public Information Officer ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
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(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim’s assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

1033.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.
1033.6.5 FUNERAL LIAISON
The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison’s responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:
   1. Honor Guard
      (a) Casket watch
      (b) Color guard
      (c) Pallbearers
      (d) Bell/rifle salute
   2. Bagpipers/bugler
   3. Uniform for burial
   4. Flag presentation
   5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1033.6.6 MUTUAL AID COORDINATOR
The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member’s funeral.

(b) Area coverage so that as many Brooklyn Park Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1033.6.7 BENEFITS LIAISON
The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:
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(a) Confirming the filing of workers’ compensation claims and related paperwork (see the Occupational Disease, Personal Injury and Death Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
   1. Public Safety Officers’ Benefits (PSOB) Programs.
   2. Public Safety Officers’ Educational Assistance (PSOEA) Program.
   3. Social Security Administration.
   4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.
   2. Disability survivor benefits (Minn. Stat. § 353.656).
   5. Education benefit (Minn. Stat. § 299A.45).

(d) Researching and assisting survivors with application for other survivor benefits such as:
   1. Private foundation survivor benefits programs.
   2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by Police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
   1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1033.6.8 FINANCE COORDINATOR
The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator’s responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.
Line-of-Duty Deaths

(b) Providing information on finance-related issues, such as:

1. Paying survivors’ travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member’s survivors.

(d) Providing accounting and cost information as needed.

1033.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department’s [PIO] should be the department’s contact point for the media. As such, the [PIO] should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the [PIO].

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member’s survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member’s survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member’s survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.
Line-of-Duty Deaths

1033.8 DEPARTMENT CHAPLAIN
The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1033.9 INVESTIGATION OF THE INCIDENT
The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1033.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL
The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1033.11 NON-LINE-OF-DUTY DEATH
The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.
USE OF CITY VEHICLES

1034.1 PURPOSE
The purpose of this policy is to define when officers of this Department will be provided city vehicles for transportation.

1034.2 POLICY
(a) Take Home Vehicles - No employee of the Department shall take city vehicles home without the specific approval of the Chief or Deputy Chief of Police.

(b) Use - The use of city vehicles is intended for official city or departmental purposes only.

(c) Temporary Use - There are times when the temporary assignment of a city vehicle may be necessary for purposes such as time sensitive investigations, surveillances, training etc. In these limited cases, the department head may assign a vehicle limited to these circumstances. At the conclusion of the detail, the vehicle will be returned to regular use.

1034.3 24-HOUR ASSIGNED VEHICLE
Twenty-four hour assignment of vehicles will be determined on a case-by-case basis by the department director and City Manager. Vehicle assignments are made at the discretion of the City Manager.

(a) Employees who regularly must respond to assignments or emergencies after regular working hours may be assigned a vehicle on a 24-hour basis.

(b) Availability for 24-hour recall to locations other than their normal place of work will be a justification and requirement for vehicle assignment.

(c) Availability for 24-hour recall to locations other than their normal place of work will be a justification and requirement for vehicle assignment.

(d) No vehicle will be assigned to personnel residing beyond a 20 mile radius limit from the center of Brooklyn Park. Exceptions from this provision may be allowed at the discretion of the City Manager.

(e) Use of the vehicle from the employee's residence to place of work shall be considered to be a benefit subject to applicable income tax provisions. The City Manager will from time to time initiate appropriate procedures to comply with applicable income tax provisions.

(f) Those persons having 24-hour assigned vehicles shall not use them for any purpose other than driving between their residences and work station. Stops for personal business other than for meals shall be limited to short stops at convenience stores, etc., and the business must be on the normal route to an employee's residence.

(g) At no time shall non-City employees be transported in the vehicle without the City Manager's permission unless such persons are conducting business with the City.
(h) Employees who receive a 24-hour assigned pool or temporary vehicle will not be reimbursed for travel in a personally-owned vehicle.
Driver's License Requirements

1036.1 PURPOSE
To establish guidelines and requirements for all police employees who may drive a City owned vehicle in course of their duties.

1036.2 POLICY
Employees of the Brooklyn Park Police Department who may be required to drive a City owned vehicle in the course of their duties shall possess a valid unrestricted Minnesota driver’s license; or in case of residency therein, a valid unrestricted driver’s license from another state.

1036.3 DEFINITIONS
Unrestricted Driver’s License

(a) An unrestricted driver’s license is a license to drive a motor vehicle subject to the limitations set forth in MSS 171. Normal restrictions (such as wearing eye glasses) imposed upon a license holder at the time the license was issued are allowable under this policy.

(b) A limited license, a nighttime driving restriction, a license subject to restrictions imposed by the courts or by the issuing authority due to previous driving conduct or other behavior constitutes a restricted license.

(c) Unless authorized by statute, policy, a supervisor, or in the case of an emergency, employees of the Brooklyn Park Police Department may drive City owned vehicles only when they possess a current, valid license for the type and class of vehicle being driven.

1036.4 NOTIFICATION

(a) Any employee of the Brooklyn Park Police Department who has their driver’s license suspended, revoked, limited, expired, or restricted by the courts or the issuing authority shall report their driver’s license status to the Chief of Police or his designee before their next shift.

(b) Employees of the Brooklyn Park Police Department whose driver’s license has been restricted may not operate a City owned vehicle until and unless authorized by the Chief of Police. In addition, employees whose driver’s license has been restricted, and whose primary duties require driving a City vehicle may be placed on unpaid administrative leave. Those who have been placed on unpaid leave may not return to work until approved by the Chief of Police and after having shown written documentation that their driver’s license is no longer restricted.
Dorm Room Use

1037.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure proper use of the Dorm rooms provided to personnel.

1037.2 POLICY
The Brooklyn Park Police Department is committed to the health and wellness of its personnel. The Brooklyn Park Police Department personnel will follow the guidelines of this policy to ensure a clean, quiet and professional use of police department dorm room amenity.

1037.3 USE AND EXPECTATIONS

(a) Non-members will not be allowed in the dorm room. It is reserved for police department personnel.

(b) There shall be no co-ed dorms.

(c) Dorm room priority will be given to those members needing rest for court or shift extensions, illness or lactation. Priority will be given on a first come, first served basis.

(d) Members shall not consume drugs or alcohol. (See Drug and Alcohol-Free Workplace policy)

(e) At all times, members must conduct themselves in a professional and courteous manner. Personnel working around or near the dorm rooms shall respect the privacy of those personnel using the dorm rooms. The rooms shall be marked occupied when in use.

(f) ANY type of sexual activity is strictly prohibited and will be disciplined.

(g) Members must identify (by placard) when they have used linens so as they can be cleaned and replaced. A designee will wash and dry the used linens and placed the clean linens on the bed back in the dorm.

(h) The dorm room will be kept clean and orderly during and at the conclusion of use. Members using it are responsible.

(i) No personal items shall be placed in the dorm. (I.e. pictures, food, bedding.)

(j) The dorm rooms are not to be used or occupied as a result of personal home domestic issues.
Chapter 11 - Position Description
Chief of Police

1100.1 CHIEF OF POLICE
This is an executive position involving personal responsibility for the protection of lives and property in the city through the management of all police functions. The work involves the efficient operation of the Police Department through management activities, seeing that order is maintained and that laws and ordinances are enforced and by taking measures to prevent crime and protect lives and property of the public, through planning activities and training, assignment, supervision and discipline of all department members.

1100.2 DESIRED KNOWLEDGE, SKILLS AND ABILITIES
The major areas of accountability for this position are defined but not limited to the following:

(a) Administrative and technical police work in the direction of all employees and activities of the Police Department. The employee holding this position is accountable to the City Manager.

(b) Knowledge of the principles and practices of modern police administration and of police methods.

(c) Knowledge of scientific methods of crime detection and criminal identification.

(d) Knowledge of Federal, State and local laws and ordinances which are enforced by the City Police Department.

(e) Knowledge of the functions of Federal, State and local jurisdictions and authorities as they relate to police work.

(f) Ability to plan, evaluate and direct the work of a large number of subordinates, performing varied police functions.

(g) Ability to establish and maintain cooperative working relationships with other city officials, state and federal authorities and the public.

(h) Ability to prepare and present effective communications relating to the activities of the Police Department.
Deputy Chief

1101.1 POSITION OVERVIEW
Manage the operations of the Division and/or take responsibility for special assignments involving senior command duties, directing resources to achieve goals and objectives consistent with the objectives of the Police Chief. The Deputy Chief primarily manages Investigations and Patrol functions of the department including the effective and timely delivery of police services to the community; ensuring that personnel matters are handled effectively; and ensuring that the organization is prepared for the law enforcement challenges in the future. The deputy chief provides overall leadership to all police staff. The Deputy Chief is the second in command and may be placed in charge of the Department during the absence of the Police Chief. The Deputy Chief serve at the sole discretion of the Chief of Police.

1101.2 MAJOR RESPONSIBILITIES
The major areas of accountability for all Deputy Chief positions are defined but not limited to the following:

(a) Command Staff Duties:

1. Work together with the entire management and supervisory team to create and maintain a coordinated and consistent leadership environment.
2. Work cooperatively with the command staff to determine priorities, handle unusual employee matters, and implement programs and procedures approved by the Chief of Police.
3. Work cooperatively with the community to address crime, public security, and disorder problems.
4. Consistently demonstrate and embody the Department’s commitment to be ethical, fair, and non-discriminatory in the provision of police services and treatment of employees.
5. Make recommendations for hiring, promoting, transferring, commending, disciplining, solving of grievances, and training of employees.
6. Interpret orders, policies, procedures and rules as they apply to a variety of conditions.
7. Handle media inquiries when the Press Information Officer (PIO) is unavailable, and authorize release of Department data according to law and policy.
8. Appear before elected officials, public groups, private groups, or professional organizations as a representative of the Police Department or City.
9. Respond to citizen or elected official concerns.
10. Be available when on call to respond at any hour to any incident requiring command level participation, and respond when not on call to assist or support the on call command staff representative with major incidents.
(b) Division Duties

1. Assist in the preparation and administration of divisional budgets and monitor expenditures to ensure operation within budgeting restrictions
2. Direct the overall operations of the division to which the Deputy Chief is assigned and ensure that its units and programs are run in a competent manner, accomplish the mission, and are in compliance with the law and the rules and regulations of the department
3. Schedule and deploy the resources of the division to which the Deputy Chief is assigned to ensure that the mission is achieved and departmental priorities are met
4. Monitor and oversee the work performance of direct reports and indirect reports and take action to ensure competent performance in compliance with department policies and procedures
5. Oversee the maintenance, upkeep, and repair of Department equipment assigned to or used by the division to which the Deputy Chief is assigned

(c) Additional Deputy Chief Responsibilities

1. Manage the Detention Center, a certified municipal lock up facility, and ensure that it is run in a competent manner and in compliance with the law, Department of Corrections regulations, and the rules and regulations of the department
2. Serve as the Department’s Press Information Officer (PIO), handling media inquiries and press releases
3. Serve as the Department’s designated authority under the Government Data Practices Act
4. Oversee the maintenance, upkeep, and repair of Department radio communications equipment, automated electronic defibrillators (AED’s), and other equipment
5. Update and maintain the Department Manual to ensure timely and accurate guidance for employees and develop and revise policies and procedures that ensure the most effective and efficient achievement of organizational objectives
6. Administer the internal affairs function, oversee the investigations of alleged misconduct, and keep such records as are required or helpful in accordance with legal and contractual requirements
7. Coordinate the recruiting and selection of peace officers, ensuring qualified and suitable candidates are found and quality finalists are selected to maintain the Department’s authorized strength
8. Serve as liaison for contract negotiations

1101.3 EXAMPLES OF WORK PERFORMED

(a) All Deputy Chief(s) may perform any of the following job duties. This list is intended to provide examples, and it is not intended to be a complete listing
1. Prepare or approve budget requests
2. In cooperation with the command staff, research, discuss, determine, and carry out responses to unusual employee problems that are consistent with the law, policy, and philosophy of the Department
3. Jointly create contingency plans to deal with unanticipated budget reductions, requests for extended mutual aid or staffing vacancies
4. Speak on behalf of the Department in media interviews and issue press releases
5. Support City Council decision-making by researching police topics and presenting recommendations to the Council
6. Respond to call outs at any hour, staff the command post, and provide command direction during extended police responses, such as hostage-taking incidents
7. Represent the Chief of Police or the City at various professional or public meetings
8. Meet with managers in other City Departments to jointly organize coordinated, cross-disciplinary responses to community problems
9. Direct, train, and guide supervisory and management staff
10. Issue awards and recognize exemplary work
11. Issue discipline and adjust grievances
12. Design and conduct a bid process for vendor services
13. Make final arrangements for terminated employees, including determining final pay due, notifying employee of termination, answering employee questions, obtaining department owned items from employee, and escorting employee out of building
14. Prepare and present personnel evaluations
15. Act as the Department’s recruiting contact, set up tests and interviews, select finalists, and notify applicants of results
16. Research, write, and revise policies as needed
17. Maintain internal affairs records, assign investigations, create procedures for conducting such investigations, and submit mandated reports to the Minnesota Peace Officers Standards and Training (POST) Board

1101.4 MINIMUM QUALIFICATIONS
Deputy Chief’s must meet all applicable specifications mandated by the Minnesota Peace Officers Standards and Training (POST) Board. Candidates must have three years experience in the supervisory and management ranks of the Brooklyn Park Police Department. The Deputy Chief serve at the sole discretion of the Chief of Police and may be assigned to any division and given any duties.
1101.5 DESIRED QUALIFICATIONS

(a) Desired qualifications for this position include, but are not limited to:

1. Proven Performance
   1. A high degree of professional initiative and a demonstrated history of initiating improvements, refinements, and innovations to areas under his/her supervision or management
   2. A professional history that embodies the Department’s commitment to be ethical, fair, and non-discriminatory in the provision of police services and treatment of employees
   3. Exceptional attendance record, willingness to regularly be on call, and a history of timely responsiveness to pages, phone calls, and requests to work outside of scheduled shifts
   4. Successful experience leading or managing large projects or organizing large events
   5. Demonstrated ability to effectively lead, work cooperatively, and achieve goals with other Department members, units, or divisions
   6. Demonstrated ability to effectively solve work problems
   7. Demonstrated ability to control costs and stay within budgets when leading or supervising projects
   8. Consistently presenting a positive, professional, and constructive attitude and image in the performance of work duties
   9. Demonstrated ability to communicate effectively and professionally to individuals and groups in person, over the phone, in writing, on recorded media, and by electronic means

2. Professional Experience
   1. Seven years or more of police experience.
   2. A wide breadth of successful municipal police experience (line, supervisory, and management positions and assignments)

3. Education and Training
   1. Successful graduation from one of the three most distinguished law enforcement management training programs (the FBI National Academy, Northwestern University School of Police Staff and Command, or Southern Police Institute Administrative Officers Course, PERF Senior Management Institute for Police), or a Bachelors or higher-level degree, particularly with a leadership, management, law enforcement, or criminal justice major
   2. Successful completion of administrative, management, executive, and leadership training, courses, or certificate programs, particularly those with a focus on government agencies and law enforcement operations

4. Knowledge
(a) Thorough understanding of labor regulations, case precedents, contractual obligations, discipline procedures, and data privacy laws

(b) Extensive knowledge of modern municipal police operations and contemporary police management strategies

1101.6 AUTHORITY
The Chief of Police has formally delegated to all Deputy Chiefs the authority to direct, transfer, suspend, assign, reward, discipline, and adjust grievances of personnel in their divisions. In addition, Deputy Chiefs are also vested with the full authority to:

(a) Coordinate enforcement activities with other internal and external governmental units

(b) Command all on duty Department members when the Deputy Chief is the ranking officer on duty or the ranking officer at an emergency or tactical scene

(c) Summon outside professional or technical assistance or call out additional personnel when required

(d) Assume the urgent duties of any unavailable commander

(e) Act on behalf of the Chief of Police when assigned to do so

(f) Authorize necessary expenditures in line with Department guidelines and City policy

(g) Provide first and second level approval for invoice payments

(h) Provide Department approval of pay period pay records

(i) Set, adjust, and modify schedules and authorize use of benefit time

(j) Issue directives, orders, and regulations affecting all members
Inspectors

1102.1 POSITION OVERVIEW
The Inspector will have the responsibility of police service delivery to their assigned Precinct (North or South) or assigned division (investigations). This position serves at the sole discretion of the Chief of Police and Inspectors will report to their assigned Deputy Chief. The Inspector position has accountability to the Command Staff for police service delivery, criminal investigations, crime prevention, crime reduction, detention center operations, and SWAT/CNT/K9 police services. Inspectors are also tasked with the overall Master Scheduling for the entire Department. This includes the assignment of duties, work schedules, and staffing levels. Inspectors oversee unit budgets, and approve the recommendations for the spending of those allotted dollars to include overtime, training, and equipment needs for the department. Inspectors also oversee “project management” responsibilities for the innovation of community outreach needs, equipment and technology, along with Federal and State funded grant projects.

1102.2 DESCRIPTION OF DUTIES
Description of duties may include:

(a) Develop long range plans and oversee project management, grant management, strategies, personnel and equipment management for the assigned Precinct, division and/or overall Department

(b) Monitor computer generated crime maps, reports, and electronic shift briefing summaries to allocate and direct resources. Account for action taken twice weekly at Crime Stat meetings with Administrative Command Staff

(c) Manage Precinct or division to include overall operations with staffing, training, and direction for the Units of Patrol, K9, Detention Center, SWAT and CNT (Crisis Negotiations Team), Crime Analysis, COPS Unit (Community Oriented Policing Unit), and Crime Prevention

(d) Prepare, implement, monitor, and review comprehensive precinct budgets to include the Units of Patrol, Detention, SWAT/CNT, K9, Training, Crime Prevention, and Crime Analyst that monitors and directs the spending of budgeted monies, to include the approval of training, staffing levels, and overtime

(e) Serve as an Administrative panel member that reviews internal investigations. Inspectors will also conduct administrative investigations when needed, and management of IA Pro/Blue Team records to include, Internal Affairs Investigations, Use of Force Incidents, Vehicle Pursuits, and Personnel Complaints

(f) Serve as a member of the Chief’s executive management team. Inspectors will report weekly on Crime updates or ongoing investigations to include specific patterns, or trends that are occurring in their command and the assignment or direction of Police resources to these areas

(g) Inspectors are responsible for being on call for a full week (24/7) once every 5 weeks as part of the Administrative Command Staff. They will be the Incident Commander
Inspectors

for that week. This will include responding to major incidents and taking full command of that incident to include the direction and overall management of resources

(h) Respond to major incidents of serious officer injury, critical incidents, homicides, high risk police operations (SWAT/CNT), and natural disasters to help manage and assist the Incident Commander

(i) Inspectors will be responsible for arrangement, organization, and direction of community outreach and meetings to include requests made by the City Manager, City Council, Community Groups, other City Departments, and Residents. This includes personal attendance at these Community Meetings outside of their normal working hours

(j) Assume command in the absence of the Chief and Deputy Chiefs. Represent the Police Department at National, State, and Local police conferences. This will include travel outside the State of Minnesota

1102.3 MINIMUM QUALIFICATIONS
Inspectors must meet all applicable specifications mandated by the Minnesota Peace Officers Standards and Training (POST) Board. Candidates must have three years experience in the supervisory and management ranks of the Brooklyn Park Police Department. Inspectors serve at the sole discretion of the Chief of Police and may be assigned to any division and given any duties.

1102.4 AUTHORITY
The Chief of Police has formally delegated to all Inspectors the authority to direct, transfer, suspend, assign, reward, discipline, and adjust grievances of personnel in their divisions. In addition, Inspectors are also vested with the full authority to:

(a) Coordinate enforcement activities with other internal and external governmental units

(b) Command all on duty Department members when the Inspector is the ranking officer on duty or the ranking officer at an emergency or tactical scene

(c) Summon outside professional or technical assistance or call out additional personnel when required

(d) Assume the urgent duties of any unavailable commander

(e) Authorize necessary expenditures in line with Department guidelines and City policy

(f) Provide Department approval of pay period pay records

(g) Set, adjust, and modify schedules and authorize use of benefit time

(h) Issue directives, orders, and regulations affecting all members
Lieutenant

1103.1 POSITION OVERVIEW
The Lieutenant or "Shift Commander" position is responsible for providing the senior level of command for each patrol shift and directing the overall shift operations. The Lieutenant is the immediate supervisor of the patrol sergeants assigned to the shift. Whenever a Lieutenant/Shift Commander is the ranking officer on duty, that Lieutenant shall have the authority to direct all departmental personnel on duty within the guidelines of established policies and procedures.

1103.2 SCOPE OF RESPONSIBILITIES
The major areas of accountability for this position are defined but not limited to the following:

(a) Direct the overall shift operation and, with the assistance of the shift Sergeants, ensure that the police service and detention service provided during the shift are competent and in compliance with the law and the policies, procedures, rules and regulations of the department

(b) Work with the Inspectors and other Lieutenants, Sergeants and supervisors to create and maintain a coordinated and consistent supervisory environment

(c) Develop and maintain a respectful working environment within the shift which motivates employees and results in coordinated, cooperative and effective work performance from shift personnel

(d) Investigate and resolve internal employee complaints which are received during their shift or that regard incidents involving personnel working their shift

(e) Monitor the performance of the Sergeants whom they supervise to ensure that the supervision provided is competent and in compliance with the law and the policies, procedures, rules and regulations of the department

(f) Provide shift supervision of detention area activities, conduct shift jail inspections, monitor the status and approve the disposition of all prisoners in custody or brought to detention during the shift

(g) Provide supervisory support to other work groups or employees during the shift, when those employees' supervisors are not on duty and call out replacements, as needed, to cover shortages

(h) Prepare and present performance evaluations for the Sergeants they supervise

(i) Coordinate the preparation and presentation of performance evaluations for the officers assigned to the shift with the assistance of the shift Sergeants

(j) Nominate, issue, or causes to be issued the appropriate praise or formal awards to those employees who have performed in a manner deserving of special recognition

(k) Administer disciplinary action as required and assist other supervisors with discipline tasks

(l) Respond to citizen complaints, concerns and questions which are received during their shift or that regard incidents involving personnel on their shift; answer questions
and provide requested information in compliance with data privacy policies and regulations; investigate or delegate the investigation of complaints or suspected misconduct; review the investigation results and determine the recommended complaint disposition for approval by the Chief of Police

(m) Take command at major incidents when appropriate and notify administrative and command personnel as required regarding events occurring during the shift

(n) Prepare and post the long-term shift patrol schedule, maintain make-up time records, set shift minimum and shift coverage standards and authorize leave time requests

(o) Perform shift Sergeant duties in the absence of a shift Sergeant and perform patrol tasks as may be required to ensure adequate delivery of police service during periods of personnel shortages or excessive demand for service

(p) Review the shift impact of existing policy, procedures, rules and regulations; alert the Patrol Commander to areas where policy may need to be revised or re-written to accommodate changes or prevent difficulties; assist, if requested, in the revision or formulation of directives or policies

(q) Assist the administrative staff with budget preparation

(r) Identify training needs and, if needed, arrange for or provide the needed training to the appropriate personnel

(s) Perform other duties as assigned or as necessary

1103.3 MINIMUM QUALIFICATIONS
Lieutenants must meet all applicable specifications mandated by the Minnesota Peace Officers Standards and Training (POST) Board. Candidates must have two years of experience in the supervisory ranks of the Brooklyn Park Police Department.

1103.4 DESIRED TRAITS
Lieutenants of the Brooklyn Park Police Department should possess or endeavor to increase their proficiency in the following areas:

(a) Clear, respectful and effective oral and written communication skills including the ability to write clear and easily understandable directions, instructions and policies

(b) Knowledge of the policies, procedures, rules and regulations of the Department, and employee contract provisions

(c) Knowledge of applicable federal, state and local laws and ordinances including the Department of Corrections rules for the operation of municipal jails

(d) Knowledge of applicable constitutional law and prevailing court rulings regarding police authority, supervisory actions and management responsibility

(e) Knowledge of proper police report writing, applicable data privacy laws and police record keeping rules

(f) Knowledge of current police management theories and practices
Lieutenant

(g) Strong professional commitment to police ethics and the Department mission
(h) Knowledge of available professional, City and Departmental resources for employees experiencing difficulties
(i) Ability to plan, direct and evaluate the job performance of supervisors and officers in a manner that commands respect and ensures an acceptable level of performance
(j) Ability to function effectively under stress or emergency conditions
(k) Working knowledge of those areas for which subordinates are held responsible in their job performance including patrol work and detention operations
(l) Ability to accurately describe the work performance of subordinates in written evaluations. Ability to make and present objective performance evaluations in a manner which motivates and encourages employees to better performance
(m) Ability to research specific topics and provide sound recommendations for temporary or long term solutions and an understanding of how the various divisions and work groups in the Department are impacted by patrol decisions and actions
(n) Flexibility to function at any supervisory capacity during an emergency situation or on an assignment basis
(o) Enroll in and successfully complete post secondary educational courses and other professional training relevant to policing and police management
(p) Emergency Management Training (NIMS)

1103.5 AREA OF AUTHORITY
The Lieutenant/Shift Commander reports to the Inspectors in the Department chain of command. The Chief of Police has formally delegated to all lieutenants the authority to transfer, suspend, assign, reward, discipline and adjust grievances of personnel under their command. In addition, the Lieutenant/Shift Commander is also vested with the authority to:

(a) Supervise and direct sergeants and officers assigned to a specific lieutenant's tour of duty or job assignment
(b) Command all on duty Department employees when that lieutenant is the ranking officer on duty or the ranking officer at an emergency or tactical scene
(c) Summon outside technical assistance or additional personnel when required in an emergency or tactical situation
(d) Discipline subordinates in accordance with applicable rules

1103.6 PROBATIONARY PERIOD
The probationary period is one year commencing with date of hire.
Sergeant Patrol

1104.1 PATROL SERGEANT
Sergeants are the first line representatives of management within the Department. Their primary responsibilities are to guide, train, direct and motivate the personnel they supervise. When a sergeant is the ranking officer on duty, that sergeant shall have the authority to direct all departmental personnel on duty within the guidelines of established policies and procedures.

1104.2 SCOPE OF RESPONSIBILITIES
The major areas of accountability for this position are defined but not limited to the following:

(a) Work together with the Lieutenant/Shift Commander and other supervisors to create and maintain a coordinated and consistent supervisory environment.

(b) Monitor the field performance of the personnel they supervise to insure that the police service provided is competent and in compliance with the law and the policies, procedures, rules and regulations of the department.

(c) Provide the advice or technical assistance required to assist personnel with the completion of assigned tasks and perform patrol tasks as may be required to insure adequate delivery of police service during periods of personnel shortages or excess demand for service.

(d) Evaluate the reports and documentation submitted by subordinates to insure accuracy, completeness and clarity. Provide instruction and guidance to improve or correct inadequate paperwork.

(e) Nominate, issue, or cause to be issued the appropriate praise or formal awards to those employees who have performed in a manner deserving of special recognition.

(f) Administer disciplinary action as required; assist, when requested, in the investigation of alleged employee misconduct and assist other supervisors with discipline tasks.

(g) Provide guidance regarding performance of duties and workplace concerns to personnel they supervise and assist other supervisors with this task when requested.

(h) Upon request, provide appropriate personal assistance to shift personnel; alert personnel to existing employee assistance and peer counseling programs, call out Critical Incident Stress Debriefing (CISD) teams or other forms of psychological assistance for employees when needed.

(i) Investigate and make reports of on-duty employee injuries and accidents occurring during the shift and insure appropriate first aid or medical care is made available to the injured employees.

(j) Assist the Lieutenant/Shift Commander in preparing and presenting performance evaluations for patrol officers.

(k) Assist the Lieutenant/Shift Commander in the identification of training needs and, if requested, arrange for or provide the needed training to the appropriate personnel.
Sergeant Patrol

(l) Assist the Lieutenant/Shift Commander in authorizing short-term leave requests or making needed schedule adjustments according to City rules and the Shift Commander’s instructions.

(m) In the absence of a Shift Commander, the patrol sergeant performs all necessary shift activities normally performed by the Shift Commander.

(n) Perform other duties as assigned or as necessary.

1104.3 MINIMUM QUALIFICATIONS
In addition to having a minimum of three years of experience as a Patrol Officer with the Brooklyn Park Police Department, Sergeants must meet all applicable specifications mandated by the Minnesota Peace Officers Standards and Training (POST) Board.

1104.4 DESIRABLE TRAITS
Sergeants of the Brooklyn Park Police Department should possess or endeavor to increase their proficiency in the following areas:

(a) Clear, respectful and effective oral and written communication skills.

(b) Knowledge of the policies, procedures, rules and regulations of the Department, Civil Service rules and employee contract provisions.

(c) Knowledge of applicable federal, state and local laws and ordinances.

(d) Knowledge of applicable constitutional law and prevailing court rulings regarding police authority and supervisory responsibility.

(e) Knowledge of proper police report writing, applicable data privacy laws and police record keeping rules.

(f) Knowledge of current police supervisory theories and practices.

(g) Knowledge of available professional, City and Departmental resources for officers experiencing difficulties.

(h) Strong professional commitment to police ethics and the mission of the Department.

(i) Ability to direct and evaluate the job performance of subordinates in a manner which commands respect and ensures an acceptable level of performance.

(j) Ability to function effectively under stress or emergency conditions.

(k) Ability to maintain geographical orientation and accurately visualize areas to determine appropriate perimeter boundaries and personnel placement during tactical responses.

(l) Proficiency in the use and care of all firearms and weaponry relevant to patrol job assignment.

(m) Proficiency in police patrol work and emergency medical care.

(n) The flexibility to function at any supervisory capacity during an emergency situation or on an assignment basis.
(o) Enroll in and successfully complete post secondary educational courses and other professional training relevant to policing and supervision.

1104.5 AREA OF AUTHORITY
The patrol sergeant reports to a Lieutenant/Shift Commander in the Department chain of command. The Chief of Police has formally delegated to all sergeants the authority to transfer, suspend, assign, reward, discipline and adjust grievances of personnel on their shift. In addition, the patrol sergeant is also vested with the authority to:

(a) Supervise and direct officers assigned to a specific sergeant's tour of duty or job assignment.

(b) Command all on duty Department employees when that sergeant is the ranking officer on duty or the ranking officer at an emergency or tactical scene.

(c) Summon outside technical assistance or additional personnel when required in an emergency or tactical situation.

(d) Discipline subordinates in accordance with the rules and regulations of the Police Department.

1104.6 PROBATIONARY PERIOD
The probationary period is one year commencing with date of promotion.
Sergeant Investigations

1105.1 INVESTIGATIVE SERGEANT
Officers attaining the rank of sergeant may be assigned to the Investigation Division as their duty assignment. They may be assigned to a specific unit within the division (i.e. Juvenile Unit, Safe Streets) and report directly to the Investigative Inspector. In addition to the sergeant position description, the sergeant assigned to investigation shall be guided by the following position description.

1105.2 SCOPE OF RESPONSIBILITIES
The major areas of accountability for this position are defined but not limited to:

(a) Assign, direct and supervise the investigation of alleged crimes to ensure that a thorough and comprehensive investigation is performed.
(b) Personally assume command of major felony investigations as necessary to coordinate the efforts of department personnel.
(c) Maintain an effective working relationship with other criminal justice agencies.
(d) Ensure the dissemination of appropriate intelligence and legal information to patrol personnel.
(e) Review reports and assign cases for follow up investigation
(f) Maintain case assignment and clearance records.
(g) Personally provide or ensure the availability of investigative assistance to the Patrol Unit on an emergency basis.
(h) Assist the training officer in the identification of particular training needs and, when necessary, cooperate in the presentation of training material.

1105.3 MINIMUM QUALIFICATIONS
In addition to having a minimum of three years of experience as a Patrol Officer with the Brooklyn Park Police Department, Sergeants must meet all applicable specifications mandated by the Minnesota Peace Officers Standards and Training (POST) Board.

1105.4 EXAMPLES OF PERFORMANCE REQUIREMENTS
The sergeant assigned to investigation may be required to perform any or all of the following functions:

(a) Establish work schedules for all personnel assigned to investigation unit.
(b) Review cases prior to presentation to the prosecuting attorney.
(c) Set priorities in the expenditure of the investigative effort.
(d) Provide direction in handling of case investigation when requested.
(e) Maintain a positive working environment between investigative and patrol personnel.
Sergeant Investigations

(f) Observe and evaluate the performance of personnel assigned to the investigation unit.

(g) Provide the Investigative Commander with such information as necessary to enable them to coordination of Investigative Division activities.

1105.5 DESIRABLE KNOWLEDGE, SKILLS AND ABILITIES
The sergeant assigned to investigation should possess or endeavor to increase proficiency in the following areas.

(a) Knowledge of Criminal Statutes and ordinances

(b) Knowledge of proper investigative procedures applicable to particular criminal acts

(c) Knowledge of proper procedure in the collection, packaging and preservation of physical evidence

(d) Ability to obtain formal statements from suspects, victims and witnesses

(e) Expertise in the preparation and execution of search warrants

(f) Knowledge of the statutory and procedural requirements pertaining to juvenile offenders

1105.6 AREA OF AUTHORITY
The Investigative Sergeant reports to the Inspector of Investigation in the Department chain of command. The Chief of Police has formally delegated to all sergeants the authority to:

(a) Transfer;

(b) Suspend;

(c) Assign;

(d) Reward;

(e) Discipline;

(f) Adjust grievances of personnel under their command.

In addition, a Investigative Sergeant will have:

(a) Direct authority over Investigative Unit personnel.

(b) Direct authority, when present, to conduct the investigation at a crime scene

(c) Direct authority over patrol officers as assigned or required by the circumstances surrounding a particular event
Sergeant FTO

1106.1 SERGEANT OF FIELD TRAINING
The supervisor, or supervisors, assigned to the FTO program assumes the dual responsibility of a shift supervisor and the training and evaluation of probationary personnel. As recruits are assigned to the FTO program, the FTO supervisor's responsibilities become more complex. In addition to normal responsibilities, the FTO supervisors must insure that the training and evaluation processes of the FTO program are completed.

1106.2 SCOPE OF RESPONSIBILITIES
The supervisor(s) assigned to the FTO program shall have direct command over all FTO functions and shall assume the responsibility of insuring that each recruit has satisfactorily completed each phase of the FTO program. The major areas of accountability of this position are as follows:

(a) Regularly evaluate the FTO program in general for the purposes of revision of FTO procedures and programs to insure that recruit training remains consistent with the needs of the department and the individual recruit.

(b) Select and train Field Training Officers

(c) Maintain all records and documentation relevant to the progress of a recruit through the FTO program.

(d) Schedule recruit officers through the FTO program.

(e) Determine acceptable recruit performance at each phase of the FTO program and assign the recruit to the next phase.

(f) Identify and provide for the particular training needs of individual recruits.

(g) Submit recommendations as to the retention or dismissal of probationary employees to the Patrol Unit.

(h) Field Training Officers to mentor and train Police Cadets to prepare them for their future role as police officers.

1106.3 MINIMUM QUALIFICATIONS
The supervisor assigned to the Field Training Officer program shall meet all the minimum requirements as set forth by the Peace Officers Standards and Training Board. This selection will be made at the sole discretion of the Chief of Police and the individual, or individuals, assigned will serve at the pleasure of the Chief of Police.

1106.4 EXAMPLES OF PERFORMANCE REQUIREMENTS
The assignment of a supervisor to the Field Training Officer program may require the performance of any or all of the following functions in addition to the other performance requirements which are incumbent upon a supervisor.

(a) Participate in periodic evaluation meetings for each recruit.
(b) Monitor daily FTO evaluation reports.
(c) Monitor the progress of recruits through field contact and observation.
(d) Consult with other supervisory personnel regarding the performance of recruits.
(e) Participate in the development and presentation of necessary training programs.
(f) Evaluate the performance of Field Training Officers.

1106.5 DESIRABLE TRAITS

(a) Effective communication in oral and/or written form.
(b) Ability to design and present remedial training.
(c) Ability to provide objective performance evaluations.
(d) Provide a positive role model for recruits and FTO's.
(e) Ability to research and formulate policy and procedure which directly affects the Field Training Officer program.

1106.6 AREA OF AUTHORITY

The supervisor assigned to the FTO program shall have direct authority for the following:

(a) Collect and preserve all records and evaluations on all recruits until forwarded to the Chief of Police or his designee.

(b) Supervise all FTOs as they relate to the Field Training Officer program.
Sergeant Administration

1107.1 ADMINISTRATION SERGEANT
The administrative sergeant provides administrative, technical and supervisory support work related to the operation of the police department in accordance with state and local statutes and regulations. This position generally works under the direction of the Chief of Police and Command Staff.

1107.2 EXAMPLES OF AREAS OF RESPONSIBILITIES
The major areas of accountability for this position are defined but not limited to:

(a) Research and development on police policy and practices to include making recommendations
(b) Manage special functions or units within the Department (ie. Cadet's, gun permits and backgrounds)
(c) Oversee hiring and on boarding process
(d) Writes grant proposals and performs any necessary follow-up work associated with the grant

1107.3 DESIRABLE KNOWLEDGE, SKILLS AND ABILITIES
The sergeant assigned to this position should possess or endeavor to increase proficiency in the following areas.

(a) Ability to communicate effectively in oral and written form.
(b) Ability to work with state and federal officials, community groups and the general public.
(c) Ability to supervise and manage staff and organize their workload.
(d) Ability to organize statistical information and records.
(e) Ability to interpret and enforce laws and regulations firmly, tactfully and impartially.
(f) Ability in bookkeeping and account management.
Tactical Response Unit (TRU) Commander

1108.1 TACTICAL RESPONSE UNIT (TRU) COMMANDER
In addition to regular duty assignment, a supervisor may be assigned the responsibility of Tactical Response Unit commander. The tactical duties and responsibilities of the TRU Commander will, under most circumstances, be exercised separately from those duties and responsibilities which are related to normal duty assignment. However, the administrative obligations of the TRU Commander may be fulfilled in conjunction with other duties and responsibilities.

1108.2 SCOPE OF RESPONSIBILITIES
The TRU Commander shall have overall command and responsibility on all tactical operations. The TRU Commander is the overall commander of the SWAT and CNT units. The major areas of accountability of this position are as follows:

(a) Selects and appoints the SWAT XO and CNT XO with the Chief of Police’s approval
(b) Knowledge of tactical techniques as alternatives in unique or potentially dangerous situations
(c) Familiarization with all tactical weapons and chemical agents utilized by the SWAT Team
(d) Formulates Tactical plans during incidents with the SWAT and CNT XOs along with the incident Commander
(e) Formulates the rules, regulations, and procedures which will govern the action of the TRU with input from the SWAT and CNT XOs
(f) Plan, execute, and evaluate training exercises for the TRU unit
(g) Attend debriefings of TRU operations
(h) Prepares and manages the TRU, SWAT, and CNT budgets

1108.3 MINIMUM QUALIFICATIONS
The supervisor assigned to the SWAT program must qualify for the position of supervisor according to all applicable specifications as mandated by the Peace Officers Standards and Training Board. This selection will be made at the sole discretion of the Chief of Police or his designee and the individual assigned will serve at the pleasure of the Chief of Police.

1108.4 EXAMPLES OF PERFORMANCE REQUIREMENTS
The TRU Commander may be required to perform any or all of the following functions:

(a) Direct and control the Tactical Response Unit during operations
(b) Preparation and administration of TRU budget
(c) Conduct or participate in TRU training sessions
(d) Review and critique TRU operations and training exercises
Tactical Response Unit (TRU) Commander

(e) Attend classes and training sessions related to SWAT and CNT opera
(f) Make decisions on personnel issues with the SWAT and CNT XOs
(g) Prepare and present annual TRU review to Command Staff

1108.5 DESIRABLE TRAITS
The TRU Commander should possess and endeavor to increase proficiency in the following areas:

(a) Ability to react to and function under conditions of stress
(b) Knowledge of current tactical philosophies applicable to SWAT and CNT operations
(c) Knowledge of the SWAT and CNT teams operational readiness and capabilities
(d) Experience operating as a member of either the SWAT or CNT team
(e) Make timely decisions and work as a team with the rest of the command staff

1108.6 AREAS OF AUTHORITY
The Tactical Response Unit (TRU) Commander shall have the following areas of authority:

(a) In the absence of the Chief of Police, Deputy Chief of Police, or other Command staff officer will assume Incident command
(b) Overall command of all Tactical response Unit operations
(c) Overall control over all TRU members and equipment
(d) Approve Team Leader and assistant team leaders with the SWAT and CNT XOs
SWAT Executive Officer (XO)

1109.1 SWAT EXECUTIVE OFFICER (XO)
In addition to regular duty assignment, a supervisor may be assigned the responsibility of SWAT XO. The tactical duties and responsibilities of the SWAT XO will, under most circumstances, be exercised separately from those duties and responsibilities which are related to normal duty assignment. However, the administrative obligations of the SWAT XO may be fulfilled in conjunction with other duties and responsibilities.

1109.2 SCOPE OF RESPONSIBILITIES
The SWAT XO supervisor shall have direct authority and responsibility for tactical preparation and execution of the SWAT team. The major areas of accountability of this position are as follows:

(a) Assist in the selection, training and dismissal of SWAT members.
(b) Familiarization with and proficiency in the use of all tactical weapons and chemical agents utilized by the SWAT Team.
(c) Knowledge of tactical techniques as alternatives in unique or potentially dangerous situations encountered by police.
(d) Assist the Tactical Response Unit Commander in the formulation of rules, regulations and procedures which will govern the action of the SWAT Team.
(e) Plans, documents and executes training exercises for the SWAT unit.
(f) Critique and document each SWAT operation
(g) Insure that all SWAT equipment is properly used and maintained.
(h) Establish and maintain a working relationship with SWAT teams from other law enforcement agencies.
(i) Direct supervision over all tactical operations conducted by the SWAT team.
(j) Assume the duties of the Tactical Response Unit Commander in their absence.
(k) Ensures the SWAT team is mission capable at all times.

1109.3 MINIMUM QUALIFICATIONS
The SWAT XO must qualify for the position of supervisor according to all applicable specifications as mandated by the Peace Officers Standards and Training Board. This selection will be made at the sole discretion of the Chief of Police or his designee and the individual assigned will serve at the pleasure of the Chief of Police.

1109.4 EXAMPLES OF PERFORMANCE REQUIREMENTS
The SWAT XO may be required to perform any or all of the following functions:

(a) Direct and control SWAT Team during operations
(b) Inspect SWAT equipment
SWAT Executive Officer (XO)

(c) Assist in the preparation and administration of SWAT budgets
(d) Conduct or participate in SWAT training sessions
(e) Review and critique SWAT operations and training exercises
(f) Review and update rules, regulations and procedures of the SWAT team
(g) Attend classes and training sessions related to SWAT operations
(h) Discipline team members while conducting SWAT operations

1109.5 DESIRABLE TRAITS
The SWAT XO should possess and endeavor to increase proficiency in the following areas:
(a) Ability to react to and function under conditions of stress
(b) Perform the SWAT PT test to standard
(c) Maintain strict control over the tactical elements of the SWAT team
(d) Knowledge of current tactical philosophies applicable to SWAT operations
(e) Knowledge of and the ability to perform the functions of each member of the SWAT team

1109.6 AREAS OF AUTHORITY
The SWAT XO shall have the following areas of authority:
(a) In the absence of the Chief of Police, Deputy Chief of Police, or an Inspector, the SWAT XO is in command of all SWAT operations
(b) Direct command of SWAT tactical actions
(c) Direct control over all SWAT members and equipment
(d) Designate team leaders and assistant team leaders with the TRU Commander
Crisis Negotiator Team Executive Officer (XO)

1110.1 CNT EXECUTIVE OFFICER (XO)
In addition to regular duty assignment, a supervisor may be assigned the responsibility of Crisis Negotiation Team (CNT) XO. The tactical duties and responsibilities of the CNT XO will, under most circumstances, be exercised separately from those duties and responsibilities which are related to normal duty assignment. However, the administrative obligations of the CNT XO may be fulfilled in conjunction with other duties and responsibilities.

1110.2 SCOPE OF RESPONSIBILITIES
The CNT XO shall have direct authority and responsibility for tactical preparation and execution of the CNT. The major areas of accountability of this position are as follows:

(a) Directs the selection, training and dismissal of CNT members
(b) Familiarization with and proficiency in the use of all technical equipment utilized by the CNT
(c) Familiarization and knowledge of SWAT tactics and techniques to ensure proficiency of operation between CNT and SWAT
(d) Knowledge of negotiation principles and techniques commonly used in unique or potentially dangerous situations encountered by police
(e) Assist the Tactical Response Unit Commander in the formulation of rules, regulations and procedures which will govern the action of the CNT
(f) Oversee the planning, execution, and documentation of all CNT training exercises
(g) Critique and document each CNT operation
(h) Ensure that all CNT equipment is properly used and maintained
(i) Direct supervision over all tactical operations conducted by the CNT
(j) Ensure the CNT is mission capable at all times
(k) Assists in preparing and managing the CNT budget

1110.3 MINIMUM QUALIFICATIONS
The CNT XO must qualify for the position of supervisor according to all applicable specifications as mandated by the Peace Officers Standards and Training Board. This selection will be made at the sole discretion of the Chief of Police or his designee and the individual assigned will serve at the pleasure of the Chief of Police.

1110.4 EXAMPLES OF PERFORMANCE REQUIREMENTS
The CNT XO may be required to perform any or all of the following functions:

(a) Direct and control the CNT during operations
(b) Inspect CNT equipment
Crisis Negotiator Team Executive Officer (XO)

(c) Assist in the preparation and administration of CNT budgets
(d) Conduct or participate in CNT/SWAT training sessions
(e) Review and critique CNT operations and training exercises
(f) Review and update rules, regulations and procedures of the CNT
(g) Attend classes and training sessions related to CNT/SWAT operations
(h) Discipline team members while conducting CNT operations

1110.5 DESIRABLE TRAITS
(a) Ability to react to and function under conditions of stress
(b) Maintain command and control of the CNT team on operations
(c) Knowledge of current negotiation techniques and principles applicable to CNT/SWAT operations
(d) Knowledge of and the ability to perform the functions of each member of the CNT team

1110.6 AREAS OF AUTHORITY
The CNT XO shall have the following areas of authority:
(a) Direct command of CNT actions
(b) Direct control over all CNT members and equipment
(c) Designate team leaders and assistant team leaders with the TRU Commander
Attachments
FFDE Agreement.pdf
MUTUAL AGREEMENT

Pursuant to Lexipol Policy 1016.6 Fitness for Duty Physical and Psychological Examinations; Examination Procedures, the Bargaining Unit (Brooklyn Park Police Federation) and the Department are required to establish a list of agreed upon Medical Professionals for purposes of conducting mandatory psychological fitness for duty examinations. Further, this list shall consist of not less than three agreed upon licensed psychiatrists or psychologists who have expertise regarding psychological or emotional disorders and are qualified to make an assessment regarding an employee’s fitness to engage in law enforcement duties.

The following is the list of Medical Professionals agreed upon by the Bargaining Unit (Brooklyn Park Police Federation) and the Department. Upon signature, a designee from each unit will annually review and agree upon this list. The list can be amended at anytime through mutual agreement of the Federation and Department.

**Gary L. Fischler & Associates, PA**  
**Consulting & Forensic Psychologists**  
**1735 Medical Arts Building, 825 Nicollet Mall**  
**Minneapolis, MN 55402**  
(612) 333-3825

**Michael Keller, Ph.D., MA, LP**  
**20270 Austin Street NE**  
**East Bethel, MN 55011**  
(763) 442-4111

**Paul Reitman, Ph.D., L.P., F.A.C.F.E**  
**Forensic and Clinical Psychologist**  
**4663 White Bear Parkway**  
**White Bear Lake, MN 55110**  
(612) 508-9309
Copies of this agreement shall be retained by the Brooklyn Park Police Federation and the Department.

For the Federation:     For the Department:
_______________________     _________________________
Its: _________________     Its: _________________
_______________________     _________________________
Date        Date
Exposure Memo.pdf
MEMO

To: Brooklyn Park Police Department
From: Colich & Associates
Date: January 31, 2019
Re: Exposure Protocol and Warrant-North Memorial

Our office was requested to develop a procedure for when a peace officer is exposed or is potentially exposed to communicable diseases.

On January 31, 2019, I spoke with Risk Management at North Memorial. The recent exposure to an officer and the subsequent events, or nonevents, appears to have been a fluke. Up until recently, Occupational Health handled exposures. That division is now dissolved. Instead, Infections Diseases handles all officer exposure cases. It appears that the new procedure threw off the parties. Additionally, there appeared to be a newer nurse unfamiliar with the procedures. Risk Management has addressed the issues.

I inquired as to what an officer should expect upon entering the emergency department after exposure. The officer will be admitted as a patient. The physician will examine the suspect’s medical history and compare it to the officer’s. From there, the physician will provide a specific diagnosis for the officer based on the suspect’s and officer’s medical history; specifically, a prophylactic diagnosis. If the suspect had blood drawn, the emergency department will test for infectious diseases as well. The results of those tests will be reviewed by the Infectious Disease department within two days. Regardless, prior to leaving the hospital, an officer will have a specific course of treatment from the physician that outlines the likelihood of exposure, and what treatments, if any, the officer should undergo.

The only slight hiccup can occur when the emergency department does not draw the suspect’s blood. Per Risk Management, 99 out of 100 times, the emergency department is drawing the blood. However, if a suspect comes in and no blood draw is needed, a physician will still admit the officer, go over the suspect’s medical history, compare that to the officer’s, and advise the officer as to the likelihood of exposure. From what I am told, if the doctor thinks an officer could have exposure, they will be drawing the suspect’s blood and testing. If the physician does not think that the officer was exposed, and the officer wants the suspect tested for “peace of mind,” a warrant will be needed.

All of this, absent a warrant, falls under Minn. Stat. § 144.7607. This is what the hospital is operating under. It is civil and falls under the health code. Under this provision, if no sample is available, medical professionals should request consent from the suspect for sample and subsequent testing. If the suspect does not consent, a petition should be filed in court. The petition must be filed three days prior to a hearing.
However, if the hospital has a sample of the suspect’s blood and the person does not consent to testing, the hospital is obligated to test the blood regardless. Minn. Stat. § 144.7406, subd. 2. For testing to be conducted without consent, the following must exist: 1) there is documented exposure to the officer; 2) the hospital has determined that a significant exposure occurred and results are needed to treat the officer; 3) the officer provides a blood sample for testing; 4) the hospital asked the suspect for consent and it was refused; 5) the hospital complied with Minn. Stat. § 144.7403 (consent statute); and 6) hospital provides officer with confidentiality requirements the hospital is bound to (aka personal data of suspect). Essentially, if the hospital has extra blood, they don’t need consent to test it so long as the six requirements are met.

North Memorial advised that if they are poking a suspect, they will draw enough blood to test for infectious diseases. If they need additional blood, they will not ask; they will just take under the need for patient safety. Examining these two statutes in conjecture with North Memorial policy, the only time an officer would need a warrant is if the presiding physician believes that there is no risk of exposure to the officer and does not draw a suspect’s blood. Even then, an officer will always have a correlation of the suspect’s medical history (although not given in detail) and the officer’s medical history/likelihood of exposure. From there, the physician will provide a specific course of treatment for that officer. There will not be a general, “take this medication just in case” diagnosis.

If the officer still wishes for a blood sample and subsequent analysis even though the physician has no concerns regarding exposure, the accompanying warrant should be used. If using this warrant, one should be sent to the infectious disease department. The best results will come from this department two days later as the tests are more extensive than any rapid ones done in the emergency department.

If you ever run into a problem, regardless of the hour, you should tell the medical provider to call the on-call Administration Manager. This includes an officer having concerns that the course of treatment is not specific to him or her. If the Administration Manager has concerns, he or she will call Risk Management. There is always someone on-call for both departments. Per Risk Management, their policy is, when in doubt, draw the blood. As such, if warrants are not being honored or samples are taken but not tested, this course of action should be used immediately.
USE_OF_FORCE_SOP (6).pdf
USE OF FORCE SOP

300.1 PURPOSE

The purpose of this Standard Operating Procedure (SOP) is to establish guidelines governing the use of force by members of the Brooklyn Park Police Department.

300.2 DEFINITIONS

CHAIN OF COMMAND – Formal lines of communication going downward or upward within the organizational hierarchy through each successive level of command.

DEADLY FORCE – Force that is likely to cause death or great bodily harm.

FORCE – The application of physical techniques or tactics, chemical agents or weapons, (including display of a weapon) to another person in an attempt to gain compliance. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, restrained or follows verbal commands.

SHOW OF FORCE - When an officer displays of a weapon and threatens the use of this weapon, or the individual in which the weapon is directed at reasonably knows that they are being threatened with the weapon. This does not include circumstances when an officer has their weapon drawn in a "ready" position so as to be prepared to use force. Show of force does constitute a use of force.

Weapon - An item or object used in a manor to inflict or threaten the infliction of bodily harm to another. Examples are handgun, long gun, Taser, expandable batons, flashlights, chemical sprays, K-9 and less lethal munitions.

GREAT BODILY HARM – An injury that creates a substantial risk of death, causes permanent disfigurement or results in long-term loss or impairment of the functioning of any bodily member or organ.

NON-DEADLY FORCE – Force that is not likely or intended to cause death or great bodily harm.

OBJECTIVE REASONABILITY – An equation of qualifiers to determine if a law enforcement officer’s actions in a particular instance were reasonable based on the totality of the circumstances. Some specific factors to consider are the circumstances unique to the rapidly evolving incident, the severity of the crime, the subject’s immediate apparent threat to the officer or others, the level of the suspect’s resistance, the officer’s abilities and training and the facts or circumstances known to the officer at the time of the incident.

RESTRRAINT DEVICES – Tools designed to temporarily restrain movements.

TOTALITY OF CIRCUMSTANCES – A term the court uses to refer to all facts and circumstances reasonably perceived by the officer as the basis for a use of force decision.
USE OF FORCE SOP

UNINTENTIONAL DISCHARGE – A discharge of a firearm, OC and/or ECD which was not intended.

300.3 PHILOSOPHY

Sworn Officers will only use force that is reasonable based on the officer’s knowledge and understanding of the facts and circumstances confronting them at the time the force is used. The use of force must be in compliance with Minnesota State Statute and consistent with the training received on a given technique, weapon, or device.

The use of unreasonable or unlawful force is prohibited.

The use of force by any member or department volunteer who is not a licensed peace officer is restricted to instances of self-defense or when instances when the member or volunteer is specifically directed to use force by a licensed peace officer.

The Brooklyn Park Police Department recognizes that individual techniques for control may include:

1. Verbal direction;

2. Physical restraint and control techniques, including pain compliance techniques.

3. Other immediate weapons including chemical spray, impact weapons, less lethal munitions, Electronic Control Devices (Taser), canine apprehensions, and other weapons of opportunity;

4. Deadly force.

5. Show of force,

The use of specific techniques required to gain compliance will be consistent with department training and will be in compliance with Minnesota State Statute.

Security – Members will give proper attention to the security of any weapon that is used, carried, or assigned to them to prevent misuse, loss, or theft.

300.4 REQUIRED REPORTS AND NOTIFICATIONS

300.4.1 REQUIRED REPORTS

Any members using force must document and detail their actions in their incident or supplemental report. This report shall include the type of force used and the circumstances necessitating the use of force.
USE OF FORCE SOP

A BLUE TEAM use of force report must be completed and submitted to the on duty supervisor for the following uses of force:

- Physical control techniques (excluding escort holds)
- Take downs
- Use of Intermediate weapons
- Show of force involving handgun or rifle.

SWAT and K-9 are excluded from this reporting as they have unit specific reporting requirements.

300.4.2 SUPERVISOR NOTIFICATIONS

A supervisor shall be notified as soon as practical when any person is injured during arrest, capture, detention, or custody. Appropriate medical treatment will be provided to anyone injured as a result of use of force or upon their request for such medical attention.

A supervisor shall be notified as soon as practical after the deployment of an Electronic Control Device (Taser), less lethal munitions, or canine apprehensions.

300.5 SPECIFIC TECHNIQUES AND WEAPONS

300.5.1 PHYSICAL RESTRAINT AND CONTROL TECHNIQUES

PHYSICAL RESTRAINT AND CONTROL TECHNIQUES: The use of one’s body to physically control an individual includes but is not restricted to:

1. Police defensive tactics, physical restraint methods, escorts and control techniques as taught and authorized by law enforcement trainers;
2. Pain compliance maneuvers;
3. Pressure point activations;
4. Take down maneuvers;

Take down maneuvers are necessary tactics to assist officers in safely detaining individuals. It is vital that officers use these tactics with the understanding on how to mediate the risks of hitting the subjects head on the ground or on other objects.

300.5.2 CHEMICAL SPRAY

CHEMICAL SPRAY – Approved chemical spray may be used to control or restrain another, as follows:
Authorized Users – The use of chemical spray is restricted to:

1. Licensed peace officers who have been properly trained may be issued and use chemical spray.
2. Other members who are not actively licensed peace officers may carry and use chemical spray if the DT Instructor Supervisor or his or her designee has certified such non-licensed members as properly trained in civilian uses of chemical spray and they have the approval of their supervisor.

Approved Chemical Spray – The issued chemical spray will be Oleoresin Capsicum aerosol (O.C.) of the brand approved and provided by the DT Instructor Supervisor. No privately owned chemical spray devices are authorized.

Training Requirements – Training of employees authorized to carry O.C. will be done on a regular basis and it will be consistent with the manufacturer’s recommendations.

Deployment

Considerations:

1. Weather, wind direction
2. Ventilation and size of area the officer is in
3. Other officers or civilians

How to deploy:

1. Deploy four to six feet away from suspect
2. Aim for mucus membranes (eyes, nose, and mouth)

Decontamination:

1. Get suspect to fresh air and water when safe to do so
2. Tell the suspect not to rub eyes
3. Call an ambulance if the suspect appears to be having an allergic reaction to the spray

300.5.3 IMPACT WEAPONS

IMPACT WEAPONS – Impact weapons may be used to control or restrain another as follows:

The use of approved impact weapons is authorized for licensed peace officers, reserve officers, community service officers, and police cadets who have completed the proper training, as determined by the DT Instructor Supervisor.

Approved Impact Weapons:

1. Authorized personnel may carry a 22” or 24” side handled police baton or a 16” to 26” friction locking expandable baton. Batons may not be altered from their manufactured design without the Chief’s approval.
2. It is recognized that impact techniques are possible with a wide range of objects other than the authorized equipment. Members may use other objects or weapons of opportunity as necessary based upon the circumstances confronting the member at the time or is practical. Use of other objects for impact techniques must be consistent with training.

The area of the body targeted with any impact weapon will be consistent with the Body Chart when determining the anticipated injury.

300.5.4 ELECTRONIC CONTROL DEVICES (TASERS)
ELECTRONIC CONTROL DEVICES (TASERS) – Approved Electronic Control Devices (Tasers) may be used to control or restrain another as follows:

1. Authorized Users – Use of department owned Electronic Control Devices (Tasers) by licensed peace officers is authorized for those who have been properly trained.

2. Approved Electronic Control Devices (Tasers) – Only the Tasers and cartridges owned and provided by the Department are authorized for use.

Carrying Requirements:

1. Notwithstanding sub. (c) of this section, all uniformed officers, regardless of their permanent duty assignment will carry an X-model Taser on their duty belt. Belt holsters will be provided for the X-26 and X2 Taser. Belt holster-carried Tasers must be carried on the front half of the duty belt (not behind the back) and must be positioned on the non-firearm side for a cross-draw, or weak-side straight draw if approved by the DT Instructor Supervisor or designee.

2. Thigh Taser holsters are not allowed for patrol carry. SWAT personnel may be authorized to wear thigh Taser holsters on the non-firearm side during SWAT operations.

Increased Deployment Risk Factors – Taser deployment in the following circumstances creates an increased risk of injury to the subject:

1. The subject is running.

2. A subject that is in an elevated position (bridges, rooftops, in a tree).

3. Operating a vehicle or machinery.

4. Flammable or explosive environment.

5. A female that is obviously pregnant.

6. Someone that is in water.

7. Sensitive target areas (eyes, neck, groin).

8. Someone that is obviously frail or infirm.

Probe Removal:

1. Probes may be removed from a subject’s person by officers on the scene when the probes have impacted desired impact areas and can be removed using normal hand pressure.
2. Upon removal, each probe must be inspected to ensure that it is intact and that the needle is attached along with the barb.

3. Officers must inspect the area impacted by the Taser barbs for bleeding and treat with band-aids and/or direct pressure as necessary.

4. Officers should wear protective gloves when removing probes. After inspection the probes should be inverted and placed into the used cartridge. The cartridge must then be secured and later placed in a bio-hazard container at the police department.

5. The results of the probe inspection and wound site must be documented in the officer’s report. The officer who deployed the Taser is responsible for ensuring that this inspection is properly documented.

**Medical Attention** – Individuals who have been subjected to the use of force under this section must be brought to the emergency room under the following circumstances:

1. If the barbs become imbedded in the person’s body and cannot be removed using normal hand pressure.

2. If an individual obviously requires additional medical attention, appears to be in a drug-induced state of unusual pain tolerance, is exhibiting bizarre or unusual behavior, appears to be suffering from a drug overdose, or is displaying any other obvious signs or symptoms consistent with excited delirium.

3. When the barbs have impacted a sensitive area such as the neck, face, throat, groin, or female’s breast.

4. If the wound from the barb does not stop bleeding or appears abnormal, if there are parts missing from one or more barbs, or if one or more barbs looks abnormal.

5. If medical treatment is requested or warranted under this section, transportation may be by squad car if the subject is under arrest and the subject’s condition does not require ambulance transportation. Transportation must be by ambulance if the subject is not under arrest but in custody under a health and welfare hold or other emergency commitment.

**Notifications** – In addition to the normal supervisor notification when an Electronic Control Device (Taser) is deployed, the officer deploying the Taser should also leave the Taser with the DT Instructor Supervisor for data download.

**Storage** – Tasers should be stored in the designated secure area when not in use.

300.5.5 **LESS LETHAL MUNITIONS**

**LESS LETHAL MUNITIONS** – Approved less lethal munitions may be used as follows:

1. Authorized Users – The use of less lethal munitions is authorized for licensed peace officers who have been properly trained.
Approved Deployment Devices and Munitions:

1. Weapons used to deploy less lethal munitions will consist of the 12-gauge shotgun, the 40mm delivery systems.

2. Less lethal rounds that deliver multiple projectiles may not be utilized unless authorized by a supervisor or when facing an immediate situation or threat that does not permit time for such a request. A supervisor must be notified as soon as possible thereafter.

Required Training – Training will include a written exam and a qualifications course with the weapons.

Use of Less Lethal Munitions

Less lethal munitions are considered hard impact weapons. They are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person.

The training body chart is the recognized department model for determining contact areas for less lethal munitions based upon potential for injury. Green areas will be considered when incapacitation is necessary, and a minimal potential for injury is the appropriate response. Yellow areas may be considered when the escalation of force above the green area is necessary, acknowledging an increase in potential for more serious physical injury. Red areas may be considered when the escalation of force above the green and yellow areas is necessary, acknowledging an increase in the potential for more serious physical injury or death.

The intentional targeting of the head and neck must be avoided unless the officer targeting these areas believes that the situation warrants the increased risk of more serious injury or death.

Storage – Less lethal munitions and deployment devices will be stored in the designated secure area when not in use. Assigned less lethal equipment may be stored in the locked squad trunk during the assigned officer’s duty shift.

300.5.6 CANINE APPREHENSIONS

CANINE APPREHENSIONS – The police canine may be deployed as outlined in Policy #310, Canine Unit.

300.5.7 LETHAL OR DEADLY FORCE

LETHAL OR DEADLY FORCE – Officers may be confronted with a situation that requires the use of deadly force. In all such cases, the officer must comply with Minnesota State Statue 609.066. In all instances where deadly force is used, the Chief of Police will initiate an investigation consistent with policy and an internal review.

300.6 SUBJECT RESISTANCE

Subject resistance levels should be considered by an officer when using force. The levels are recognized as:

1. Passive – The subject verbally or physically refuses to comply with an officer’s lawful command causing the officer to use physical contact to establish control.
USE OF FORCE SOP

2. Active – The subject uses physically evasive movements towards the officer such as bracing, tensing, pushing and/or pulling in an effort to prevent the officer from taking control.

3. Aggressive – The subject makes attacking movements toward an officer that may cause injury, but are not likely to cause death or great bodily harm to the officer or others.

4. Aggravated – The subject makes hostile attacking movements with or without a weapon that create a reasonable perception by the officer that the subject intends to cause, and has the capability of causing, death or great bodily harm to the officer or others.

300.7 OFFICER RESPONSE OPTIONS
Officer response options when responding to a subject’s resistance are:

1. Physical Control (Non-Deadly Force) – Achieving compliance or custody through the use of empty hand control such as escort holds, pain compliance, takedowns, striking, and restraint devices.

2. Non-Lethal Weapons (Non-Deadly Force) – A weapon that is not fundamentally designed to cause death or great bodily harm, such as a Taser, expandable batons, flashlights, chemical sprays, and the use of K-9.

3. Deadly Force – An application of force, with or without a weapon that is likely to cause death or great bodily harm such as the use of a firearm, eye gouges, empty hand strikes to the throat and impact weapon strikes to the head, neck, or groin.

300.8 CONTRIBUTING FACTORS
The circumstances surrounding an incident where an officer is compelled to use force can be uncertain, rapidly evolving, and dynamic. Many factors shall be evaluated by an officer when determining the appropriate response to a subject’s resistance. The decision to use force is based upon objective reasonableness which includes the totality of the circumstances.

The following factors should be considered when making use of force decisions:

Subject Factors

1. Seriousness of the crime committed;

2. Size, age, and weight;

3. Apparent physical ability;

4. Weapons possessed by or available;

5. Known history of violence;

6. Medical condition, mental state, and influence of alcohol or drugs;

7. Number of subjects present who are involved or who may become involved;

Situational Factors
1. Size, physical ability and defensive tactics experience of the officer;
2. Number of officers present or available;
3. Presence of innocent or potential victims in the area;
4. Weapons or restraint devices available to the officer;
5. Whether the subject can be captured later;
6. Environmental factors;
7. Whether evidence is likely to be destroyed.

300.9 PRE-ATTACK INDICATORS

Pre-Attack Indicators are involuntary physiological behaviors presented by a subject that may indicate their intent to flee, resist, attack, and/or lack compliance with a peace officer. These behaviors can be presented in clusters or will present as a change in behavior patterns.

Some of these behaviors include, but are not limited to:

- Blading
- Fist Clenching or Pumping
- Trembling
- Rapid Shallow Breathing
- Avoiding Eye Contact
- Posturing
- Bobbing and Rocking
- Hiding the Face
- Focused Attention
- Thousand Yard Stare
- Scanning
- Ignoring instructions
- Nostril flaring
- Changing body language
- Walking away
- Stance change
- Adjusting clothing
USE OF FORCE SOP

- Stretching muscles
- Closing in/charging towards officer
- Cleansing breath

300.10 EXCITED DELERIUM
Associated with both illegal drug use (especially methamphetamine) and mental illness, excited delirium manifests itself as a very consistent set of behaviors and symptoms among patients. These include:

1. Extreme agitation – subjects may yell or scream, sometimes appearing to speak incoherently or in gibberish “language”;
2. Hyperactivity;
3. Overheating – subjects are frequently naked or partially clothed and may be heavily perspiring
4. Excessive eye tearing, mouth foaming, or drooling;
5. Hostility/aggression;
6. Superhuman strength and endurance, apparently without physical fatigue or response to pain;
7. Acute paranoia – subjects may appear to hallucinate.

Although many episodes of excited delirium have already begun by the time police respond, some subjects may appear rational and calm before suddenly exploding. In any case, experts warn that the situation is highly volatile, partly because it’s so difficult to restrain subject with excited delirium and partly because subjects may stop breathing (with cardiac distress or arrest) during efforts to restrain them. If officers recognize excited delirium’s warning signs, they can get subjects the proper medical attention, without risking their own safety.

300.11 SUPERVISOR RESPONSIBILITIES
When notified of a use of force incident (as required in Policy #300) the on-duty supervisor, when practicable, shall do the following:

1. When respond to the scene of the use of force incident and interview all witnesses to the incident including witness officers.
2. Ensure appropriate medical attention is offered or provided when appropriate.
3. Take photographs of the scene and injuries when appropriate to do so.
4. Conduct a supervisor’s review (BLUE TEAM report) and electronically forward it on for the approval of the shift commander.
300.11.1 BLUE TEAM
The expectation of the supervisor completing a BLUE TEAM report on Use of Force incidents is to determine the following:

(a) If the there was justification for the stop/detainment.
(b) If there was the legal foundation authorizing the use of force:
   1. Effecting a lawful arrest
   2. Execution of legal process
   3. Enforcing an order of the court
   4. Executing any other duty imposed upon the public officer by law
(c) If the force used was objectively reasonable using a calculus of the following factors (Graham vs. Conner):
   1. Severity of the crime
   2. Did the suspect pose a threat to the officer or others
   3. Was the suspect actively resisting and/or attempting to flee

300.12 BODY CHART
The Brooklyn Park Police Department recognizes the following body chart that identifies areas of the human body with different levels of risks when targeted.

The **Green** color identifies a lower risk of significant injury

The **Yellow** color identifies a medium risk of significant injury

The **Red** color identifies a high risk of significant injury.
Brooklyn Park Police

Public Safety Statement Advisory

If asking an involved officer for a public safety statement, the supervisor shall read the following:

The following questions are being compelled from you as part of a public safety statement. The information obtained from you is intended and limited to determine any existing threats, render medical aid to those in need and to preserve evidence. You are required to answer the following questions:

1) Did you discharge a firearm? If yes, in what direction? And from what location(s)?

2) Are there outstanding suspects? (description/possible locations/weapons)

3) Are you aware of any individuals who may need medical attention? (who and where)

4) Are you aware of evidence or other crime scenes that need to be preserved?

5) Are you aware of any outstanding witnesses that should be immediately contacted?

Supervisor Notes:

A Public Safety Statement is compelled information obtained by a supervisor at an officer-involved critical incident. Depending on the situation, a supervisor must first determine if there is a need for a public safety statement. Some factors to consider before asking for a public safety statement are: Is there a need to gather information immediately? Can the needed information be gathered by BWC or witness officers?

Public safety statements only apply to involved officers who are defined as an individual who engaged in or contributed to the conduct that resulted in a critical incident.

A supervisor should have their body worn camera activated during the public safety statement.
MN POST Professional Conduct of Peace Officers Model Policy.pdf
I. POLICY

It is the policy of the __________________________________________________ (law enforcement agency) to investigate circumstances that suggest an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

II. PROCEDURE

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

A. PRINCIPLE ONE

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

1. Rationale: Peace officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Peace officers may only act in accordance with the powers granted to them.

2. Rules
   a) Peace officers shall not knowingly exceed their authority in the enforcement of the law.
   b) Peace officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence, except where permitted in the performance of duty under proper authority.
   c) Peace officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.
   d) Peace officers, whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction.
   e) Peace officers will not, according to MN STAT 626.863, knowingly allow a person who is not a peace officer to make a representation of being a peace officer or perform any act, duty or responsibility reserved by law for a peace officer.

B. PRINCIPLE TWO

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

1. Rationale: Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public’s initial contact with the criminal justice system, must act in a manner that instills such trust.

2. Rules
   a) Peace officers shall carry out their duties with integrity, fairness and impartiality.
b) Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.

c) Peace officers shall truthfully, completely, and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

d) Peace officers shall take no action knowing it will violate the constitutional rights of any person.

e) Peace officers must obey lawful orders but a peace officer must refuse to obey any order the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.

f) Peace officers learning of conduct or observing conduct that is in violation of any law or policy of this agency shall take necessary action and report the incident to the officer’s immediate supervisor who shall forward the information to the CLEO. If the officer’s immediate supervisor commits the misconduct the officer shall report the incident to the immediate supervisor’s supervisor.

C. PRINCIPLE THREE
Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

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

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

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

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

1. Rationale: A peace officer’s ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

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

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

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

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

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

f) Peace officers shall not commit any acts which, as defined under Minnesota law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner’s home or workplace.

g) Peace officers, in the course of performing their duties, shall not engage in any sexual contact or conduct constituting lewd behavior including but not limited to, showering or receiving a massage in the nude, exposing themselves, or making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the agency.

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

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

1. Rationale: Peace officers are the most visible form of local government. Therefore, peace officers must make a positive impression when interacting with the public and each other.

2. Rules
   a) Peace officers shall exercise reasonable courtesy in their dealings with the public, other officers, superiors and subordinates.
b) No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humble, or shame any person to do anything reasonably calculated to incite a person to violence.

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

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

1. **Rationale:** For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the agency.

2. **Rules**
   a) Peace officers shall not use their official position, identification cards or badges for: (1) personal or financial gain for themselves or another person; (2) obtaining privileges not otherwise available to them except in the performance of duty; and (3) avoiding consequences of unlawful or prohibited actions.
   b) Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
   c) Peace officers shall refuse favors or gratuities which could reasonably be interpreted as capable of influencing official acts or judgments.
   d) Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment. This rule does not prohibit officers from conducting walk-throughs of such establishments as part of their regularly assigned duties.
   e) Peace officers shall:
      ▪ not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this agency in connection with advertisements for any product, commodity or commercial enterprise;
      ▪ maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
      ▪ not make endorsements of political candidates while on duty or while wearing the agency’s official uniform.

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

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

1. **Rationale:** For the public to maintain its faith in the integrity and impartiality of peace officers and their agencies officers must avoid taking or influencing official actions
2. Rules
   a) Unless required by law or policy a peace officer shall refrain from becoming involved in official matters or influencing actions of other peace officers in official matters impacting the officer’s immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
   b) Unless required by law or policy a peace officer shall refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
   c) A peace officer shall not use the authority of their position as a peace officer or information available to them due to their status as a peace officer for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate interactions of any kind with persons with whom the officer has had contact while on duty.
   d) A peace officer shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer’s ability to impartially perform the officer’s official duties.

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

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

2. Rules
   a) Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.
   b) Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
   c) Peace officers shall not divulge the identity of persons giving confidential information except as required by law or agency policy.

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

PB Rev 01/2011
Model Sexual Assault Investigation Policy.pdf
I. PURPOSE
The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;

b) To reaffirm peace officers’ authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards;

c) To increase the opportunity for prosecution and victim services.

II. POLICY
It is the policy of the _______________ (law enforcement agency) to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim’s dignity and autonomy. While doing so, it shall be this agency’s goal to decrease the victim’s distress, increase the victim’s understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

III. DEFINITIONS
For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

A. Consent: As defined by Minn. Stat. 609.341, which states:
(1) Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
(2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.
Corroboration of the victim's testimony is not required to show lack of consent.

B. **Child or Minor:** a person under the age of 18.

C. **Medical Forensic Examiner:** The health care provider conducting a sexual assault medical forensic examination.

D. **Sexual Assault:** A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:
   
   (1) spouses or former spouses;
   (2) parents and children;
   (3) persons related by blood;
   (4) persons who are presently residing together or who have resided together in the past;
   (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
   (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
   (7) persons involved in a significant romantic or sexual relationship

F. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

G. **Victim Advocate:** A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse. Victim advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.

H. **Victim Centered:** A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim’s rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims’ input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

I. **Vulnerable Adult:** any person 18 years of age or older who:

   (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;
(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

1) Suggest that the victim not bathe, or clean him or herself if the assault took place recently.

2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing, and should avoid wiping after urination.

3) Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).

4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

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

1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
2) The officer shall attempt to determine the location/jurisdiction where the assault took place.

3) Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.

4) Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.

5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.

6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.

7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.

8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews
This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question and answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle to ask if they remember any additional details.
• Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.

• Some victims do remember details vividly and might want to be interviewed immediately.

• During initial and subsequent victim interviews, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.

  1) Whether the suspect was known to the victim
  2) How long the victim knew the suspect
  3) The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault
  4) The extent of their previous or current relationship
  5) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
  6) Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
  7) Relevant communication through social media, email, text messages, or any other forms of communication

D. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim’s age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below.

   a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:

      (1) Ensuring the safety of the victim;
      (2) Ensuring the scene is safe;
      (3) Safeguarding evidence where appropriate;
      (4) Collecting any information necessary to identify the suspect; and
      (5) Addressing the immediate medical needs of individuals at the scene
b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.

c. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

d. Officers should obtain necessary contact information for the victim’s caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview.

e. The officer should advise the victim’s caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of Domestic Abuse
Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency’s domestic abuse policy and protocol, in addition to the guidelines in this policy.
E. Protecting Victim Rights

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim’s identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b).

2) Crime Victim Rights: Officers must provide the following information to the victim:
   a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b).
   b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
   c. The victim’s right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
   d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.

3) Other information: Officers should provide to the victim the agency’s crime report/ICR number, and contact information for the reporting officer and/or investigator or person handling the follow up.

4) Language access: All officers shall follow agency policy regarding limited English proficiency.

F. Evidence Collection

1) Considerations for Evidence Collection
   Officers shall follow this agency’s policy on crime scene response. In addition, officers may do the following:
   a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
   b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.

d. If the victim has declined or a medical forensic exam will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

G. Sexual Assault Medical Forensic Examinations
   1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:
      a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
      b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
      c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the designated medical facility.
      d. Ask the victim for a signed release for access to medical records from the exam.

   2) Officers should not be present during any part of the exam, including during the medical history.
   3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects
   Prior to contacting the suspect, officers should consider the following:
   1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
   2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. Involvement of a victim should be based on strong
consideration of the victim’s emotional and physical state. A victim advocate should be present whenever possible to offer support.

3) When possible, an attempt would be made to interview the suspect in person.

4) In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
   a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
   b. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.

5) For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per agency policy).

I. Forensic Examination and/or the Collection of Evidence from the Suspect
Note: A suspect’s forensic examination and/or the collection of evidence from a suspect may be done by either an investigating officer/investigator, Forensic Medical Examiner, or the agency/county crime lab personnel.

1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.

2) Determine whether a sexual assault medical forensic examination should be conducted.

3) Ask for the suspect’s consent to collect evidence from their body and clothing. However, officers/investigators should consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.

4) During the suspect’s sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
   a. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
   b. Collect biological and trace evidence from the suspect’s body;
   c. Document information about the suspect’s clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
   d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
   e. Document the suspect’s relevant medical condition and injuries.
J. Role of the Supervisor
Supervisors may do the following:
1) Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
2) Provide guidance and direction as needed.
3) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

K. Case Review/Case Summary
A supervisor should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

1) Case dispositions
2) Decisions to collect evidence
3) Submissions of evidence for lab testing
4) Interviewing decisions
Lexipol Police 803 Acknowledgment Form.pdf
Lexipol Police 803-Protected Information Acknowledgment Form

I have read and understand Lexipol Policy 803-Protected Information for the Brooklyn Park Police Department. The sign off sheet will be placed in the employee’s personnel file. Any violation of this policy will follow standard discipline policies currently in place at the Brooklyn Park Police Department up to and including termination.

I have read and fully understand Lexipol Policy 803-Protected Information as written.

Signature of Employee: __________________________  Date: __________________________

Employee’s Printed Name: __________________________
Mental Health Professionals for Wellbeing.pdf
## Mental Health Professionals for Wellbeing

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<th>Contact Details</th>
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<tr>
<td>Steve Wickelgren MA LMFT</td>
<td>Minneapolis (952) 994-1198</td>
</tr>
<tr>
<td>Dr. Susan Powers Olson LP</td>
<td>Minnetonka (763) 234-4876</td>
</tr>
<tr>
<td>Dr. Michael Keller Psychological Services</td>
<td>Cambridge (612) 360-2699</td>
</tr>
<tr>
<td>Gary L. Fischler &amp; Associates, PA</td>
<td>Edina (612) 333-3825</td>
</tr>
<tr>
<td>Marie Ridgeway &amp; Associates</td>
<td>Shoreview (612) 314-9169</td>
</tr>
<tr>
<td>Dr. Paul Reitman</td>
<td>White Bear Lake (612) 508-9309</td>
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Updated 05/12/2020
BWC SOP423.pdf
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